

# **BELARUS 2021 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Belarus is an authoritarian state. The constitution provides for a directly elected president who is head of state and a bicameral parliament, the National Assembly. A prime minister appointed by the president is the nominal head of government, but power is concentrated in the presidency, both in fact and in law. Citizens were unable to choose their government through free and fair elections. Since 1994 Alyaksandr Lukashenka has consolidated his rule over all institutions and undermined the rule of law through authoritarian means, including manipulated elections and arbitrary decrees. All elections after 1994, including the August 2020 presidential election and 2019 National Assembly elections, were not considered free and fair.

The Ministry of Internal Affairs exercises authority over police, but other bodies outside of its control, for example, the Committee for State Security, the Financial Investigations Department of the State Control Committee, the Investigation Committee, and presidential security services, also exercise police functions. The president has the authority to subordinate all security bodies to the president's personal command. Lukashenka maintained effective control over security forces. There were credible reports that members of the security forces aggressively, intentionally, and routinely perpetuated abuses to stifle political dissent and repress human rights defenders, civil society activists, journalists, and others.

Starting in late May, credible media outlets and nongovernmental organizations reported that Belarusian authorities purposefully orchestrated and profited from the entry into the country of thousands of irregular migrants mostly from Iraq, but also from Cameroon, the Democratic Republic of Congo, Syria, and Afghanistan. These migrants often traveled through state-owned or state-affiliated travel agencies in partnership with travel agencies in the origin countries, with the aim of facilitating these individuals' travel overland to enter the European Union. Once the migrants and asylum seekers reached Belarus, authorities facilitated their travel to the borders of the neighboring countries of Latvia, Lithuania, and Poland and encouraged and, in some instances, forced the migrants to attempt irregular border

crossings. When migrants and asylum seekers failed to enter the European Union, there were credible reports that Belarusian security services beat the migrants and asylum seekers and forced them to remain at the border to attempt additional border crossings, sometimes under dangerous circumstances. When the migrants sought asylum in Belarus, authorities generally refused these requests.

Significant human rights issues included credible reports of: unlawful or arbitrary killings by security forces; torture in detention facilities and cases of cruel, inhuman, or degrading treatment or punishment by security forces; harsh and life-threatening prison conditions; arbitrary arrest and detention; political prisoners or detainees; politically motivated reprisals against individuals in another country; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; punishment of family members for offenses allegedly committed by an individual; serious restrictions on free expression and media, including violence or threats of violence against journalists, unjustified arrests or prosecutions of journalists, censorship, and the existence of criminal libel laws; serious restrictions on internet freedom, including site blocking and internet blockages; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of NGOs and civil society organizations; restrictions on freedom of movement and on the right to leave the country; refoulement and abuse of migrants and asylum seekers seeking to irregularly cross the border into the European Union; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; serious government restrictions on or harassment of domestic and international human rights organizations; lack of investigation of and accountability for gender-based violence, including domestic and intimate partner violence; trafficking in persons; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; and outlawing of independent trade unions and significant restrictions on workers' freedom of association.

Authorities at all levels generally operated with impunity as directed by Lukashenka and routinely failed to take steps to prosecute or punish officials in the government or security forces who committed human rights abuses.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

During the year there were reliable reports that the government or its agents committed arbitrary or unlawful killings, and deaths from torture were reported.

In the wake of the August 2020 presidential election, riot police, internal troops, and plainclothes security officers violently suppressed mass protests. As of December at least two individuals in 2021 and four individuals in 2020 died as a result of police violence or abuse, shooting by members of the security forces, or authorities' failure to provide medical assistance. No criminal cases or charges were brought against security officials in connection with these killings. When investigations were conducted, authorities absolved security officials from blame and alleged the victims were "intoxicated" or were responsible for their own deaths, even when evidence discredited government narratives or allegations. Individuals who released factual information that contradicted the government were arrested and faced fines and jail sentences.

On May 21, political prisoner Vitold Ashurak died in prison under disputed circumstances, but ultimately under authorities' supervision and care. Authorities initially told Ashurak's family he had died of a heart attack, but his wife told independent press her husband had no previous heart problems. In a May 25 press release, the Investigative Committee, the law enforcement body charged with investigating violence in the country, claimed Ashurak died from a fall and resultant head injuries. The Investigative Committee also publicly released a heavily edited video purportedly from a closed-circuit camera in Ashurak's cell, showing him stumbling and then falling twice, then cutting to a clip of him receiving medical attention from a uniformed person. The committee asserted that prison officials properly treated Ashurak for the falls – an assessment challenged by medical experts on social media – and claimed Ashurak had refused further treatment. Ashurak's family called upon authorities to release unedited video of the events that led to his death and stated they had many unanswered questions.

On May 26, Dzmitry Stakhousky committed suicide following an interrogation by

the Investigative Committee on May 25 for his alleged participation in protests in August 2020. The 18-year-old posted a suicide note on his VKontakte account stating, “The Investigative Committee is to blame...if they did not continue to pressure me mentally, I think I would not have dared to commit a terrible act like suicide. But my strength was running out.” On May 26, the committee reported that authorities found Stakhousky’s body with signs he had fallen from a nearby building, alleged he had a high blood alcohol content, and stated he was a suspect in a criminal case in connection with the August 2020 protests.

On February 19, Investigative Committee chairman Ivan Naskevich asserted a nonlethal bullet had killed Alyaksandr Taraykouski, a protester killed in an August 2020 demonstration. Naskevich stated criminal proceedings against the offending officer would not be initiated because Taraykouski had been intoxicated and “provoked law enforcement officers,” protesters present had “explosives and weapons,” and police had fired from a safe distance. The government presented no independently verified evidence to the public that Taraykouski had been intoxicated, and independent observers criticized authorities for a lack of evidence, for suggesting intoxication was a justifiable reason to kill, and for asserting the distance was “safe” when an individual had died. Authorities previously claimed that Taraykouski was killed when an explosive device he was holding detonated. That story was contradicted by eyewitness accounts and video footage of the incident, in which security forces clearly appeared to shoot Taraykouski in the chest as he approached them with his empty hands raised. The Investigative Committee initiated an investigation into the case but suspended it in November 2020. During the year authorities rapidly destroyed memorials in Taraykouski’s memory and detained or fined individuals who laid flowers at the place of his death, including a 78-year-old pensioner, Halina Ivanova, who was fined 4,350 rubles (\$1,740) on June 1 for laying a tulip.

On February 25, a Brest judge found protester Henadz Shutau posthumously guilty of disobeying a police order and convicted Alyaksandr Kardziukou for resisting law enforcement officers and attempted murder of plainclothes officers. In August 2020 independent media reported that Shutau and Kardziukou had been on the outskirts of a protest when they were confronted by two plainclothes officers, one of whom pulled out a gun and fatally shot Shutau in the head as he and Kardziukou

attempted to depart the area. At trial, Kardziukou asserted that he did not know the individuals were law enforcement officers, since they were not wearing uniforms and did not show identification. The court nonetheless sentenced him to 10 years in prison.

In November 2020 a representative of the Investigative Committee told the UN Human Rights Council that the committee was not investigating any allegations of police abuse and declared “currently there have been no identified cases of unlawful acts by the police.” Authorities did not announce any charges against government officials responsible for human rights abuses during the year or in 2020.

On September 17, authorities announced they had suspended the investigation into the death of Raman Bandarenka without charges because “a suspect had yet to be identified in the case.” In November 2020 Bandarenka died from head injuries and a collapsed lung after being severely beaten and detained by masked plainclothes security officers in Minsk.

## **b. Disappearance**

During the year there were no reports of disappearances by or on behalf of government authorities.

In January 2020 the Investigative Committee announced it reopened suspended investigations into the 1999 disappearances of former deputy prime minister Viktor Hanchar and businessman Anatol Krasouski. In 2019 the committee also reopened the investigation into the disappearance of former minister of internal affairs Yury Zakharanka after Yury Harauski, who claimed to be a former special rapid response unit officer, stated he participated in the forced disappearances and killings of Hanchar, Krasouski, and Zakharanka. In March 2020 the committee again suspended investigations due to a “failure to identify any suspects.” There was evidence of government involvement in the disappearances, but authorities continued to deny any connection with them. In 2019 Lukashenka stated that politically motivated killings would be impossible without his orders, which he “[had] never and would never issue.”

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits such practices. Nevertheless, the Committee for State Security (KGB), riot police, and other security forces, without identification and wearing street clothes and masks, regularly used excessive force against detainees and protesters. Security forces also reportedly mistreated individuals during investigations. Police regularly beat and tortured persons during detentions and arrests. According to human rights nongovernmental organizations (NGOs) and former prisoners, prison authorities abused prisoners. In a November 19 interview with the BBC, Lukashenka admitted protesters were beaten in the Akrestsina detention center. Human rights groups reported abuses in police custody continued during the year, including severe beatings, psychological humiliation, efforts to exhaust detainees mentally, removal of hearing devices from hard-of-hearing individuals, and forcing detainees to undress to humiliate them.

On February 3, a Minsk district court sentenced five individuals, including Artsiom Anishchuk, to six years in prison on charges of malicious hooliganism for allegedly damaging a car in September 2020 that belonged to the spouse of a Ministry of Internal Affairs officer. Anishchuk was originally detained in September 2020. Human rights groups reported all defendants were beaten, and one of the detainees stated they were shocked with an electric stun gun approximately 40 times at the time of detention. According to independent observers, there was credible evidence that security officers, not the defendants, damaged the car. Anishchuk's spouse told the press Anishchuk was repeatedly tortured and beaten in jail beginning in April, especially after he filed complaints and reported the abuses. In June Anishchuk's spouse said Anishchuk had suffered violent treatment in detention and during repeated stays in an isolation cell. In response, authorities further restricted his freedom by reducing access to his lawyer, family members, correspondence, walks and exercise, and parcels. According to Anishchuk's spouse, Anishchuk's treatment was retaliatory in nature, as the head of the Mahilyou prison where Anishchuk was serving his sentence was reportedly a friend of the officer and spouse whose car was allegedly damaged in 2020.

On March 18, Ministry of Internal Affairs officers stopped Volha Zalatar as she was driving one of her five children to music school. Officers took her home, conducted a search, and detained her, citing the reason as her “active protest activity.” Authorities claimed she was the administrator of a local opposition chat group and organizer of “unauthorized” mass events. On March 29, Zalatar was charged with “creating an extremist formation or leading such a formation.” According to human rights observers, Zalatar was reportedly tortured in detention and forced to provide evidence against herself. She claimed police physically and verbally pressured her into revealing passwords for her cell phone and encrypted Telegram messaging application. Zalatar claimed police beat her on the head, strangled her, laid her on the ground, and pressed her to the floor. Zalatar reported the beatings at the first interrogation, but the investigator ignored the report, and she was not examined by a forensic examiner to record the injuries. Zalatar’s trial began on November 15.

As of year’s end, there was no indication that authorities had investigated or taken action against officers involved in abuses following the August 2020 election. According to documented witness reports, in August 2020 security officers physically abused the majority of the approximately 6,700 persons detained during postelection civil unrest inside detention vehicles, police stations, and detention facilities across the country. The human rights NGO Vyasna documented more than 500 cases of torture and other severe abuse committed in police custody against postelection protest participants and independent election observers, opposition leaders, civil society activists, and average citizens. Among the unpunished abuses by authorities documented after the August 2020 election were severe beatings; psychological humiliation; the use of stress positions; at least one reported case of rape and sexual abuse; use of electric shock devices and tear gas; and up to three days intentional deprivation of food, drinking water, hygiene products, the use of toilets, sleep, and medical assistance.

Impunity was a serious problem in the security forces. For example, as of year’s end, there was no indication that authorities had investigated or taken action against any officer involved in the alleged abuse or torture of persons detained during the popular unrest that followed the August 2020 election.

## **Prison and Detention Center Conditions**

Prison and detention center conditions remained poor and in many cases posed threats to life and health.

**Physical Conditions:** According to former prison inmates and human rights lawyers, there continued to be shortages of food, medicine, warm clothing, personal hygiene products, and bedding as well as inadequate access to basic or emergency medical care and clean drinking water. Inmates reported that prison officials deliberately denied access to food, water, hygiene products, and necessary medical care, sometimes for several days, as a form of retribution. Overall sanitation was poor. Authorities made little effort to prevent the spread of the COVID-19 pandemic in prisons, but at the same time they used COVID-19 as a pretext to restrict access to visitors and distribution of food, hygiene, and clothing parcels.

Although there were isolated allegations that police placed underage suspects in pretrial detention facility cells with adult suspects and convicts, authorities generally held juvenile prisoners separately from adults at juvenile penal colonies, arrest houses, and pretrial holding facilities. Conditions for female and juvenile prisoners were generally better than for adult male prisoners.

Observers believed tuberculosis, pneumonia, HIV, AIDS, COVID-19, and other communicable diseases were widespread in prisons because of generally poor medical care. Former detainees reported that individuals with COVID-19 symptoms were rarely isolated and did not receive proper medical assistance. In September a political detainee serving a 15-day sentence contracted COVID-19 but was not given appropriate treatment. After her condition deteriorated severely, she was moved to a hospital but died, reportedly from a lack of immediate care.

Corruption in prisons was a serious problem, and observers noted that parole often depended on bribes to prison personnel. Parole could also depend on a prisoner's political views.

Individuals detained for political reasons prior to the August 2020 election or during the subsequent protests and during the year appeared to face worse prison conditions than those of the general prison population, including more reports of



torture and severe abuses.

In Minsk individuals who received up to 30-day jail sentences in July and August on charges widely viewed by observers as politically motivated reported that prison conditions were designed to punish those who had sought to express their political views freely. This included routinely forcing 30 individuals into cells designed for five individuals, although nearby cells were empty. Former detainees told independent media that while nonpolitical inmates were allowed short walks and showers, political inmates were intentionally deprived of mattresses, food parcels from families, drinking water, ventilation, or sanitation, and rats and other vermin were common. One male inmate told independent press that he and a number of his cellmates were kept in an outside area designated for short walks all night long in the mud and rain.

In mid-November authorities converted a state-run logistics warehouse in Bruzgi (near the Polish border) into a shelter for migrants and asylum seekers. At its maximum, 1,833 migrants were held there. Authorities allowed humanitarian organizations, including the Office of the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration, and media to visit the center on a limited basis. International humanitarian organizations stated the shelter was overcrowded, cold, and lacked adequate health and sanitation facilities for the number of persons held there, noting a lack of adequate hygienic measures to prevent the spread of COVID-19. The shelter had only eight biotoilets, not separated by gender, and no shower facilities. Migrants slept on wood pallets on a cement floor. Authorities established a medical clinic at the shelter on November 29.

**Administration:** Former prisoners and their defense lawyers reported that prison officials often censored or did not forward their complaints to higher authorities and that prison administrators either ignored or selectively considered requests for investigation of alleged abuses. Prisoners also reported that prison administrators frequently refused to provide them with copies of responses to their complaints, which further complicated their defense. Complaints could result in retaliation against prisoners, including humiliation, death threats, or other forms of punishment and harassment. Former prisoners claimed some prison administrators' repeated harassment resulted in suicides, which authorities neither

investigated nor made public.

Prisoners and detainees had limited access to visitors, and meetings with families were denied for political detainees or as a common punishment for alleged disciplinary violations. In 2020 authorities restricted visits to all detainees in a reported attempt to limit the spread of COVID-19 in facilities but removed the general restriction on visits on June 30.

Authorities generally prevented prisoners from holding religious services and performing ceremonies that did not comply with prison regulations, despite legal provisions for such practice. Belarusian Orthodox churches were located at a number of prison facilities, and Orthodox clergy were generally allowed access to conduct services.

**Independent Monitoring:** Despite numerous requests to the Ministry of Internal Affairs, government officials refused to approve requests from NGOs to visit detention and prison facilities and speak with the inmates. The government did not cooperate with international monitoring bodies. Authorities worked to minimize observation of detention conditions by independent observers, hindering the verification of conditions which former political prisoners reported as purposefully decrepit and designed to punish individuals for their political dissent.

#### **d. Arbitrary Arrest or Detention**

The law limits arbitrary detention, but the government did not respect these limits. Authorities, including plainclothes security officers, arrested or detained thousands of individuals during peaceful protests since August 2020 and used administrative measures to detain political and civil society activists, as well as bystanders and journalists not involved in the protests, before, during, and after protests and other major public events.

#### **Arrest Procedures and Treatment of Detainees**

By law police must request permission from a prosecutor to detain a person for more than three hours. There were reports that persons were detained without judicial authorization.

An individual may be detained for up to 72 hours without charge, at which point law enforcement officials must make a formal decision on whether the individual should be released (with or without charges) or held longer as a suspect.

Authorities often held detainees, including independent journalists, arrested in cases widely seen as politically motivated, for longer than 72 hours. If within the first 72 hours of detention an individual is determined to be a suspect, authorities may hold him or her for up to 10 days without filing formal charges and for up to 18 months after filing charges. In some cases, however, authorities detained persons beyond 18 months. On May 26, authorities amended the code of criminal procedures to allow those suspected of violating certain criminal statutes to be held for up to 20 days before filing charges. This includes statutes most frequently used against political dissidents, such as “participation in mass riots” or “actions that grossly violated public order,” among others.

For example on August 22, independent media outlet BelaPAN’s editor in chief and director, Iryna Leushyna, former director Dzmitry Navazhylau, and accountant Katsiaryna Boyeva were detained without charges beyond the 72-hour period. On August 28, Boyeva was released but was barred from traveling. Leushyna and Navazhylau were transferred to a pretrial detention facility in Minsk 10 days after their arrest and charged with tax evasion, a charge widely viewed by observers as a politically motivated reprisal for their independent reporting.

The law provides that detainees are allowed prompt access to a lawyer of their choice or one provided by the state free of charge, although authorities often delayed extending this right to high-profile political prisoners, who faced authorities without the presence of defense lawyers at the initial stages of an investigation. Prosecutors, investigators, and security-service agencies have legal authority to extend detention without consulting a judge. Detainees have the right to petition the court system regarding the legality of their detention, but authorities consistently suppressed or ignored such appeals. The country has no functioning bail system.

There were some reports of detainees held incommunicado. During the year some individuals arrested on politically motivated allegations of “terrorism” were held incommunicado for several days before authorities contacted their families. As of year’s end, there was no indication that authorities had investigated or taken action

against the officers involved in holding detainees incommunicado following the 2020 presidential election.

**Arbitrary Arrest:** Authorities detained political scientists, political leaders, presidential campaign participants, human rights defenders, journalists, opposition leaders and members, civil society activists, and demonstrators for reasons widely considered to be politically motivated. In many cases authorities used administrative measures to detain political activists before, during, and after planned demonstrations, protests, and other public events. Security officials arbitrarily detained persons in areas where protests were expected, or when individuals were simply suspected of having pro-opposition sympathies or possessing opposition symbols (see section 2.b.). Authorities permitted and abetted security officers in taking an “arrest first, ask questions later” approach with no accountability or repercussions for security officers who made wrongful arrests or committed other abuses during or after arrests. Security officers could arrest at their own discretion, refused to identify themselves, and did not need to announce the reason for arrests.

On October 25, police searched homes and arbitrarily detained at least 35 individuals in Homyel and Dobrush. Many of the individuals detained were subsequently sentenced to upwards of 15 days in detention for allegedly distributing peaceful pro-opposition content on social media and in Telegram chats that authorities deemed “extremist.”

On November 11, a Minsk district court fined Olympic champion and free-style ski jumper Alyaksandra Ramanouskaya 2,610 rubles (\$1,040) for allegedly violating the mass event law. She spent one night in pretrial detention on November 11. Ramanouskaya’s mother told the press that her daughter was allegedly detained in retaliation for having a sticker of a symbol affiliated with the opposition on her car.

**Pretrial Detention:** There were approximately 5,000 pretrial detainees in 2018, the latest year for which data were available. Information was not available regarding average length of time or how many continuing investigations were extended for lengthier periods. Observers believed there were several reasons for the delays, including political interference, charges being brought against individuals held in pretrial detention and investigations opened, new investigators

taking over cases, cases that were complicated because they involved many suspects, and cases that required extensive forensic or other expert examinations and analysis.

Individuals facing politically motivated charges were regularly held in pretrial detention for lengthy and indeterminate periods, with no sense of when their cases would be heard. At year's end dozens of individuals detained in 2020 had been held in pretrial detention for more than a year. Observers believed authorities utilized the pretrial detention process to keep political detainees in a state of psychological and emotional uncertainty. For example in June 2020, Eduard Babaryka, son of 2020 presidential hopeful Viktor Babaryka, was detained by officers from the Financial Investigations Department of the State Control Committee. At year's end he remained in the KGB pretrial detention center on tax evasion charges widely viewed by human rights groups as politically motivated. Alyaksandr Vasilevich, businessman and cofounder of two online publications, was also detained in August 2020 by officers from the Financial Investigations Department and remained in pretrial detention as of November 18.

#### **Detainee's Ability to Challenge Lawfulness of Detention before a Court:**

Detainees have the right to petition the court system regarding the legality of their detention, but authorities consistently suppressed or ignored such appeals. By law courts or prosecutors have 24 hours to issue a ruling on a detention and 72 hours on an arrest. Courts hold closed hearings in these cases, which the suspect, a defense lawyer, and other legal representatives may attend. Appeals to challenge detentions were generally denied.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, but authorities did not respect judicial independence and impartiality. Observers believed corruption, inefficiency, and political interference with judicial decisions were widespread. Courts convicted individuals on false and politically motivated charges brought by prosecutors, and observers believed that senior government leaders and local authorities dictated the outcomes of trials.

As in previous years, according to human rights groups, prosecutors wielded

excessive and imbalanced authority because they may extend detention periods without the permission of judges. Defense lawyers were unable to examine investigation files, be present during investigations and interrogations, or examine evidence against defendants until a prosecutor formally brought the case to court. Lawyers found it difficult to challenge some evidence because the Prosecutor's Office controlled all technical expertise. According to many defense attorneys, this power imbalance persisted, especially in politically motivated criminal and administrative cases. All communications between defense lawyers and their clients were monitored in pretrial detention. For example on April 28, state television channels showed footage of Syarhey Tsikhanouski talking to his defense lawyer. Courts did not exonerate criminal defendants except in rare circumstances. In 2019, the most recent year for which data were available, of approximately 39,000 criminal cases prosecuted, 114 resulted in acquittal.

On November 30, amendments to the Law on the Bar and Legal Profession came into effect that prohibit defense lawyers from working individually or for law firms and require them instead to work in Ministry of Justice-approved "legal bureaus." The state-controlled National Bar Association oversaw the operations of legal bureaus in the country. The law bars defense lawyers from owning or sharing ownership in a legal or consultative firm or a real estate agency, and from representing the interests of any other commercial entity in which they have an ownership stake in courts or with other state agencies.

According to a July report by Lawyers for Lawyers, the International Bar Association Human Rights Institute, and the American Bar Association, authorities engaged in tactics that interfered with the independence of lawyers. The report noted "decisions about the continued practice of lawyers within the legal profession are not made by an independent entity," but rather by the Ministry of Justice. The amendments also increased the Ministry of Justice's power over the legal profession and bar associations. There were reports of retaliatory prosecution and disbarment of defense lawyers representing political campaigns, opposition leaders, and the opposition's Coordination Council. For example on February 20, defense lawyers Maksim Konan, Kanstantsin Mikhel, and Lyudmila Kazak were disbarred and fined for allegedly participating in unauthorized protests. On February 24, another prominent defense lawyer, Uladzimir Sazanchuk, was

disbarred for refusing to sign a nondisclosure agreement.

On July 8, the Minsk City Bar Association disbarred independent defense lawyer Dzmitry Lauski after a single day of deliberation by the association's disciplinary commission. The disbarment occurred two days after the verdict was announced in the trial against 2020 presidential hopeful and former Belgazprombank chairman Viktor Babaryka, whom Lauski had represented. The Minsk City Bar Association cited as the basis for its decision a Facebook post in which Lauski commented on the recent amendments to the Law on the Bar and Legal Profession and a statement during Babaryka's hearing in which Lauski suggested Babaryka's codefendants had been innocent, despite their decisions to plead guilty during the trial.

## **Trial Procedures**

The law provides for the right to a fair and public trial, but authorities frequently disregarded this right.

The law provides for the presumption of innocence. Nevertheless, the lack of judicial independence, state media's practice of reporting on high-profile cases as if guilt were already certain, and widespread limits on defense rights frequently placed the burden of proving innocence on the defendant.

By law criminal defendants may be held up to 10 days without being notified of charges.

The law also provides for fair, timely, public trials, but because of a lack of judicial independence, trials were often not fair. Trials were generally conducted in a timely manner within the parameters set by law. In some instances, however, including in politically motivated cases, authorities repeatedly utilized their ability to extend investigations (see section 1., Political Prisoners and Detainees). Independent observers questioned authorities' reasons for these extensions, which left detainees jailed without knowledge of when their trials would commence.

Authorities worked to minimize trial observation by independent observers, hindering the verification of trial procedures and adherence to the rule of law. Authorities frequently held closed trials in judges' chambers, particularly in political cases. Authorities restricted independent journalists and members of the

public from observing trials, in particular those of a political nature. Authorities limited or barred independent observation by claiming restrictions were in place due to COVID-19, asserting the courtroom was full, or filling the courtroom to capacity with state journalists and individuals associated with the state.

Authorities increasingly used video conferencing services to allow defendants to attend their hearings and trials remotely, purportedly to limit COVID-19 spread in detention facilities, although these facilities failed to maintain the most basic of hygiene standards required to prevent the spread of infection.

The law provides defendants the right to attend proceedings, but some defendants were tried in absentia.

The law provides access to legal counsel for the defendant and requires courts to appoint a lawyer for those who cannot afford one. The law provides for the right to choose legal representation freely; however, a presidential decree prohibits NGO members who are lawyers from representing individuals other than members of their organizations in court. The government's attempts to disbar attorneys who represented political opponents of the government further limited defendants' choice of counsel. The government also required defense attorneys to sign nondisclosure statements that limited their ability to release any information regarding the case to the public, media, and defendants' family members. During the year multiple defense attorneys were penalized and disbarred after they provided or attempted to provide a sound defense for political prisoners.

In cases of administrative charges, including participating in unauthorized mass events and resisting law enforcement officers, judges often did not inform detained protesters of their right to defense counsel and dismissed counsels' requests for additional witnesses testifying at trials.

By law defendants must have adequate time to prepare a defense. Facilities, however, were not adequate, and in many cases meetings with lawyers were limited or were not confidential.

Although by law defendants may ask for their trials to be conducted in Belarusian, most judges and prosecutors were not fluent in this language, rejected motions for interpreters, and proceeded in Russian, one of the official languages of the country.



Interpreters are provided when the defendant speaks neither Belarusian nor Russian.

The law allows defendants to confront witnesses and present evidence on their own behalf, but authorities did not always respect these rights. In addition riot police or other security officers who testified against defendants in these cases did not identify themselves and testified wearing balaclavas due to “concern for their security.”

By law defendants may not be compelled to testify or confess guilt. In some cases authorities reportedly compelled suspects to testify against themselves or other suspects in their case, including confessing their guilt. In these cases authorities reportedly claimed sentences would be more lenient or defendants would receive other benefits. There were also reports of authorities coercing suspects into signing confessions and other statements, including pardon requests predicated on admission of guilt.

Courts often allowed statements obtained by force and threats of bodily harm during interrogations to be used against defendants.

For example on June 1, political activist Stsyapan Latypau attempted to commit suicide at his trial after telling the court room he had been forced to confess. Latypau had spent six months in pretrial detention on politically motivated charges. Latypau told the courtroom that officers from the Ministry of Internal Affairs Main Directorate for Combatting Organized Crime and Corruption told him prior to the trial that if he “did not admit my guilt, I would get the ‘pressure chamber,’ and criminal cases would be filed against my relatives and neighbors. I have already been in the pressure chamber for 51 days.” On August 16, Latypau was sentenced to eight and one-half years in a maximum-security prison and fined for embezzlement, resisting police, and organizing and financing activities that grossly violate public order.

Authorities pressured political prisoners into signing pardons that included admissions of guilt and payments to the state as “compensation” for their “offenses.” As of December journalist Ksenia Lutskina, detained by authorities in December 2020 on politically motivated charges, continued to refuse to sign a

request to Lukashenka begging forgiveness for her “crimes” and seeking his pardon. Four other journalists were released from jail in August after submitting pardon requests. Authorities also withheld medical treatment to Lutschina after her health deteriorated severely, likely due to a brain tumor that had previously been in remission.

Defendants have the right to appeal convictions, and most defendants did so. Nevertheless, appeals courts upheld the verdicts of the lower courts in the vast majority of cases.

### **Political Prisoners and Detainees**

Local human rights groups collectively maintained what was widely considered a credible list of political prisoners in the country. As of December the list, which appeared on human rights group Vyasna’s website, contained more than 968 names, including leading political opposition figures and their staff.

According to human rights defenders, the government frequently falsely charged peaceful dissidents with violence without evidence. These allegations generally attempted to equate the perpetuation of the regime with national security, arguing that anyone who did not support the regime was a national security threat, in effect criminalizing the political opinions of the opposition. Authorities described and prosecuted peaceful political opponents, organizations, and the general expression of political dissent as threats to national security, government officials, or government supporters.

Political prisoners were detained for purportedly committing a number of crimes, including incitement of hatred; illegal collection and dissemination of information about private life; defamation; insulting a government official; intentional destruction or damage to property; unlawful acts against firearms, ammunition, and explosives; malicious hooliganism; money laundering; bribe taking; tax evasion; destruction of official documents; acts of terrorism; intentional disrepair of a vehicle or communication lines; organization and preparation of actions that grossly violate public order, or active participation in them; high treason; unauthorized access to computer information; calls for actions aimed at causing harm to national security; resistance to a police officer or other person guarding

public order; fraud committed by an organized group or on a large scale; violence or threat of violence against an Internal Affairs Ministry employee; incitement to hatred; illegal crossing of the border; participation in a criminal organization; conspiracy to seize power in an unconstitutional manner; creation of an extremist formation; financing the activities of an extremist group; attempted murder of a police officer; illicit trafficking of narcotic drugs; desecration of state symbols; organization or participation in riots; obstruction of the exercise of electoral rights; and abuse of historical and cultural values.

Authorities also attempted to assert without evidence that those in political opposition to the regime were “extremists” or supportive of fascism. They amended the law on “countering extremism” and passed a new law on “preventing the rehabilitation of Nazism” to make it easier to levy these charges (see section 2.a.).

The government refused to acknowledge the existence of political prisoners and asserted all detainees had committed criminal or civil offenses, despite evidence provided by human rights groups and activists indicating the political nature of their arrests, detentions, and sentences under the government-controlled judiciary.

On July 6, a Minsk court convicted opposition leader Viktor Babaryka to 14 years in prison. Babaryka was fined 145,000 rubles (\$58,000), ordered to pay 46 million rubles (\$18 million) in damages, and restricted from holding leadership positions. Babaryka was convicted of allegedly accepting a large bribe and legalizing funds obtained illegally after he sought to run in the 2020 presidential election. Human rights groups called him a political prisoner.

On September 6, a Minsk court sentenced Coordination Council Presidium member and one of Babaryka’s defense attorneys, Maksim Znak, to 10 years in prison on charges of “actions that threaten national security,” creating and managing an “extremist formation,” and engaging in a “conspiracy to seize power with unconstitutional means.” Lawyers asserted that Znak was imprisoned in retaliation for his August 2020 Supreme Court complaint asking the court to invalidate the August 2020 presidential election results due to widespread electoral fraud. Human rights groups recognized Znak as a political prisoner.

On September 6, a Minsk court sentenced opposition leader Maria Kalesnikava to 11 years in prison on charges of “actions that threaten national security,” creating and managing an “extremist formation,” and “conspiracy to seize power through unconstitutional means” in apparent retaliation for her opposition activism and for refusing to submit to forcible expulsion from the country in 2020. Human rights groups recognized Kalesnikava as a political prisoner.

On December 14, a Homyel court convicted popular blogger and potential presidential candidate Syarhey Tsikhanouski, his cameraman Artsiom Sakau, and his social media moderator Dmitry Popov on charges of organizing mass unrest and activities that violated public order, inciting social hatred, and impeding the operations of the Central Election Commission, and for Tsikhanouski’s alleged role in organizing peaceful prodemocracy protests in 2020 – although he was initially detained shortly after publicly announcing he wanted to run in the 2020 presidential election. Tsikhanouski was sentenced to 18 years’ imprisonment, and Sakau and Popov were each sentenced to 16 years’ imprisonment. In the same case, the court convicted opposition leader and 2010 presidential candidate Mikalay Statkevich to 14 years in prison on charges of organizing mass riots and Radio Liberty journalist Ihar Losik and blogger Uladzimir Tsyhanovich to 15 years in prison each on charges of inciting social hatred and organizing mass riots. Human rights groups considered these men political prisoners.

Some individuals were pardoned fully or conditionally during the year. There were reports that political prisoners were cajoled into admitting their guilt and formally requesting pardons, but these steps did not guarantee conditional pardons since authorities pointed to other arbitrary reasons to bar their release during the pardon process. As part of the pardon process, political prisoners were sometimes encouraged to obtain a guarantor for their release. Under the law the guarantor could be fined if the pardoned individual did not comply with the conditions of release.

On August 19, Yulia Slutskaya, founder of the NGO Press Club, and three of her colleagues – Press Club’s financial director Syarhey Alsheuski, program director Alla Sharko, and cameraman (and Slutskaya’s son) Pyotr Slutski – were released from pretrial detention. The four had been detained since December 2020 on charges related to large-scale tax evasion. Slutskaya said that in order to leave

prison, she and her colleagues had to admit their guilt and pay charges associated with their cases before formally petitioning and being approved for what authorities referred to as a “pardon.” On January 13, human rights defenders assessed that the tax evasion charges were politically motivated and “aimed at terminating or affecting their public activities carried out for legitimate purposes as part of civil society organizations in connection with the nonviolent exercise of freedom of expression and dissemination of information.”

In September, 13 political prisoners were conditionally pardoned, although this action was based on prisoners having to admit their guilt and pay associated fines, and it often included additional restrictions on their individual liberties.

In September 2020 authorities detained four employees of the information technology company PandaDoc (Viktar Kuushynau, Dzmitry Rabtsevich, Yulia Shardyka, and Uladzislau Mikhalap). Two weeks earlier the owner of the company, Mikita Mikada, publicly condemned political repression in the country and co-launched a public initiative, Protect Belarus, aimed at financially supporting law enforcement officers who refused to take part in repression. Authorities charged the four employees with theft, for which conviction is punishable by up to 10 years in prison. The charges were widely viewed as both retaliation against Mikada’s actions and intended to deter political activism by other technology companies. In October 2020 authorities released Rabtsevich, Shardyka, and Mikhalap to house arrest. On August 24, after all defendants had admitted their guilt, paid an established fine, and formally requested a pardon from the state, the General Prosecutor’s Office announced that the case was closed, the charges were dropped, and Kuushynau was released.

Authorities generally prevented human rights or humanitarian organizations from visiting political prisoners. Former political detainees said they lacked the same protections as nonpolitical detainees and were punished in detention and often subjected to abuse and poor conditions (see section 1.c.). Former political prisoners continued to be unable to exercise some civil and political rights.

### **Politically Motivated Reprisal against Individuals Located Outside the**

## Country

Authorities engaged in politically motivated reprisals against Belarusians located outside of the country during the year.

**Extraterritorial Killing, Kidnapping, Forced Returns, or Other Violence or Threats of Violence:** Authorities were credibly alleged to have engaged in kidnapping and forced returns during the year. On April 11, Yuras Zyankovich and Alyaksandr Fyaduta were kidnapped from the Nordic Rooms Hotel in Moscow and forcibly returned to Minsk by Belarusian security officials who operated with the support or acquiescence of Russian security officials. Independent observers said no extradition procedures or judicial processes had been initiated prior to the kidnapping and forced return.

On May 23, authorities forced a Ryanair flight from Athens to Vilnius to land in Minsk after air traffic control told the pilot there was a credible bomb threat on board and scrambled a MiG-29 jet to escort the plane. Upon landing, Raman Pratasevich, a blogger and journalist critical of Lukashenka's regime, and his companion Sofia Sapega were taken off the plane and arrested. The majority of the passengers were allowed to reboard, and the flight left without Pratasevich or Sapega. Human rights groups reported that Pratasevich showed signs of torture when he subsequently confessed on state television to having been involved in a plot to seize power in the country. As of December a report remained pending following an investigation into the incident by the International Civil Aviation Organization.

**Threats, Harassment, Surveillance, and Coercion:** Belarusians outside the country reported instances of harassment, surveillance, and veiled threats from individuals suspected of affiliation with the Lukashenka regime. Human rights defenders also reported that individuals inside the country were harassed or arrested after their family members fled the country.

On August 3, Krystsina Tsimanouskaya, a sprinter representing Belarus at the Tokyo Olympic Games, sought protection from Japanese authorities at Haneda Airport in Tokyo to avoid being forced by Belarusian officials to return to Belarus. Tsimanouskaya said she feared for her safety if she returned to the country after

publishing a video on social media criticizing the Olympic team's management and the treatment of athletes by the state-sponsored sporting federation. Belarusian officials arrived at her hotel room shortly after she uploaded the post, forced her to pack, and took her to the airport. Tsimanouskaya approached Japanese authorities at the airport for help and was later granted a humanitarian visa to Poland. The International Olympic Committee announced it was investigating the allegations that the Belarusian Olympic team had attempted to force Tsimanouskaya to return to the country because of her criticism of the Olympic team.

There were reports that authorities exerted pressure on relatives of opposition supporters who had fled the country in order to punish or coerce the person who had fled.

For example on August 17, security forces detained Mikhail Lupanosau, the brother of former police lieutenant colonel Stanislau Lupanosau, who had fled the country and condemned the actions of his former colleagues. Mikhail was a director at a construction company; the regime accused him of an alleged forgery that dated to 2016. Individual observers believed that Mikhail could have been detained in order to exert pressure on his brother.

**Misuse of International Law-enforcement Tools:** There were credible reports that authorities misused international law-enforcement tools for politically motivated reprisals against Belarusians. For example on September 13, Belarusian citizen Makar Malakhousky was detained in Piaseczno, Poland, although Malakhousky had been in Poland since November 2020 on a humanitarian visa. After Malakhousky's detention, independent news outlets reported he had been detained because Belarusian authorities listed him in Interpol's database. Following the detention, the Polish minister of internal affairs, Mariusz Kaminski, stated, "Yesterday's detention of a citizen of Belarus is the result of yet another attempt at political use of Interpol."

**Efforts to Control Mobility:** Numerous citizens who fled abroad reported they were refused consular services by Belarusian embassies and told to return to the country for services, including obtaining new passports and registering newborn children. These individuals said they would not return due to fear of politically motivated detentions, torture in prison facilities, and the lack of rule of law to

protect them from human rights abuses.

**Bilateral pressure:** There were credible reports that Belarusian authorities attempted to exert bilateral pressure on countries, including Lithuania and Russia, to take adverse action against Belarusians who fled the country to avoid human rights abuses, politically motivated arrests, and punishment by authorities. For example on March 5, the Prosecutor General’s Office stated that opposition activist Svyatlana Tsikhanouskaya was wanted for “crimes committed against public order, public safety, and the state” and that Belarusian authorities requested that Lithuania extradite her. On March 5, Lithuanian foreign minister Gabrielius Landsbergis stated the Lithuanian government “would rather watch hell freeze over than think about [Belarusian authorities’] demands,” and that the request would be ignored.

On July 21, Belarusian world champion kickboxer Alyaksey Kudzin was extradited by Russia to Belarus, despite an opinion issued earlier the same day by the European Court of Human Rights banning Kudzin’s extradition and despite concerns raised by human rights groups that he would be subjected to repression and torture if returned to the country. Authorities sought Kudzin for allegedly assaulting a security officer during protests after the 2020 presidential election. Kudzin was also critical of authorities and security officials on social media. He was detained in August 2020 and allegedly beaten and shot at with rubber bullets by security officers. He was released to house arrest after two weeks and fled to Russia, where authorities detained him in January on a Belarusian arrest warrant. After he was extradited to Belarus in July, Belarusian state media released an allegedly forced “confession” by Kudzin, and on August 11, he was sentenced to two and one-half years in prison for resisting arrest in August 2020.

### **Civil Judicial Procedures and Remedies**

The law provides that individuals may file lawsuits seeking damages for human rights violations, but the civil judiciary was not independent and was rarely impartial in such matters.

### **Property Seizure and Restitution**

There are no laws providing for restitution or compensation for immovable private



property confiscated during World War II or the Soviet period. In 2019 the government reported that in the previous 11 years it had not received any requests or claims from individuals, NGOs, or any other public organization, either Jewish or foreign, seeking compensation or restitution of any property.

For information regarding Holocaust-era property restitution and related topics, please see the Department of State's *Justice for Uncompensated Survivors Today (JUST) Act Report* to Congress at <https://www.state.gov/reports/just-act-report-to-congress/>.

## **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, but the government did not respect these prohibitions. Authorities used wiretapping, video surveillance, and a network of informers that deprived persons of privacy.

The law requires a warrant before or immediately after conducting a search. The KGB has authority to enter any building at any time, as long as it applies for a warrant within 24 hours after the entry. The regime's full control over the judiciary, however, made the warrant process a formality.

There were reports authorities entered properties without judicial or other appropriate authorization. After August 2020 and through 2021, multiple instances were reported of plainclothes officers forcing entry into private homes or businesses. These officers often refused to show identification or a warrant, or claimed it was sufficient for them to state their affiliation with a government agency and proceed with the entry. As of year's end there was no indication that authorities had investigated or taken action against Mikalay Karpiankou, head of the Internal Affairs Ministry's Main Directorate for Combatting Organized Crime and Corruption, who in September 2020 repeatedly struck and broke the locked glass door of a cafe to allow security officials in civilian clothing to apprehend individuals who had supposedly participated in protests. Instead, the regime promoted Karpiankou in November 2020 to deputy minister of internal affairs.

There were reports that authorities accessed, collected, or used private

communications or personal data arbitrarily or unlawfully or without appropriate legal authority. For example, after the 2020 presidential election and during the year, security officials occasionally threatened detained individuals with violence or arrest if they did not unlock their cell phones for review. Officials also threatened individuals at detention facilities with harsher sentences if they did not unlock their cell phones or laptops that had been confiscated. Increasingly during the year, security officials reportedly treated more harshly individuals with photographs or social media accounts that officials regarded as pro-opposition or that showed security forces committing abuses.

While the law prohibits authorities from intercepting telephone and other communications without a prosecutor's order, authorities routinely monitored residences, telephones, and computers. Nearly all opposition political figures and many prominent members of civil society groups claimed that authorities monitored their conversations and activities. The government continued to collect and obtain personally identifiable information on independent journalists and democratic activists during raids and by confiscating computer equipment.

The law allows the KGB, the Ministry of Internal Affairs, special security services, financial intelligence personnel, and certain border guard detachments to use wiretaps. Wiretaps require the permission of a prosecutor, but the lack of prosecutorial independence rendered this requirement meaningless.

The Ministry of Communications has authority to terminate the telephone service of persons who violate telephone contracts, which prohibit the use of telephone services for purposes contrary to state interests and public order.

According to the 2021 *Freedom on the Net Report* published by Freedom House, internet freedom declined dramatically following the 2020 presidential election with repression against online journalists, activists, and internet users. The government employed systematic, sophisticated surveillance techniques to monitor its citizens and control online communications at its discretion and without independent authorization or oversight. After the 2020 election, security officials increased efforts to monitor and infiltrate encrypted messenger chat groups. In May a Ministry of Internal Affairs employee testified he had received screen shots of posts from an undisclosed member of a chat group on the online messaging

platform Telegram that reportedly implicated cultural manager and art director Mia Mitkevich. Based on that she was arrested and sentenced to three years in prison.

Since 2010 the government utilized the Russian-developed System of Operative Investigative Measures, which provides authorities with direct, automated access to communications data from landline telephone networks, mobile service providers, and internet service providers. The government also blocked and filtered websites and social media platforms (see section 2.a., Internet Freedom). The country employed a centralized system of video monitoring cameras. Authorities sought surveillance and hacking tools from several countries and developed domestic capacity, including the company Synesis, that links closed-circuit television cameras in Belarus and other Commonwealth of Independent States countries. In December 2020 the EU sanctioned Synesis for providing “Belarusian authorities with a surveillance platform...making the company responsible for the repression of civil society and democratic opposition by the state apparatus.”

State television reportedly obtained state surveillance footage and wiretap transcripts from state security services that it used to produce progovernment documentaries and coverage.

On August 13, police raided Uber and Yandex offices in Minsk, leading to concerns the regime sought location data to identify individuals who had taken part in demonstrations. According to independent media outlets, authorities also utilized a Chinese facial recognition system to identify individuals. According to activists, authorities maintained informant networks at state enterprises after the 2020 presidential election to identify which workers intended to strike or were agitating for political change. “Ideology” officers were reportedly in charge of maintaining informant networks at state enterprises.

Family members were reportedly punished for offenses allegedly committed by their relatives (see section 1.e.).

Authorities temporarily removed or threatened to remove children from the custody of their parents to punish the parents for protesting or political activism.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution provides for freedom of expression, including for members of the press and other media. The government did not respect these rights and selectively enforced numerous laws to control and censor the public and media. Authorities forced the closure of virtually all independent media outlets and labelled journalist and opposition voices “extremist,” giving authorities a legal pretext to detain and prosecute individuals for expressing opposition to the regime. The government passed laws to make it illegal to report or stream video from unauthorized mass events and eased authorities’ ability to close media outlets. The state press propagated views supportive of the president and official policies without giving room for critical voices and actively disparaged the regime’s opponents.

**Freedom of Expression:** Individuals could not criticize government officials or the government publicly or discuss matters of general public interest without fear of reprisal, including prosecution or forced exile. Authorities also prohibited displaying certain historical flags and symbols, including the historic white-red-white-striped flag adopted by the opposition, and displaying placards bearing messages deemed threatening to the government or public order.

Since May 2020 authorities undertook significant steps to suppress freedom of expression, regularly harassing opposition bloggers and social media users and detaining some of them on short-term jail sentences. Others received longer sentences or remained in pretrial detention through December. For example on April 14, a Brest court sentenced Syarhey Pyatrukhnin and Alyaksandr Kabanau, two popular video bloggers on YouTube, to three years in prison on charges of “participating in activities in clear disobedience to the legitimate requirements of the authorities.” Both men were known for their political commentary critical of authorities and had been in detention since June 2020.

Radio Free Europe/Radio Liberty consultant Ihar Losik spent exactly one year in pretrial detention between his arrest in June 2020 and the start of his trial on June 24. He was arrested for publicly supporting the opposition and criticizing the

government. As of the end of November, his trial had continued for six months and was closed to the public. Family members and independent media representatives were denied access, but state-affiliated media outlets were allowed into the trial room and publicly broadcast images and content from the trial on television and social media afterwards. On December 14, Losik was sentenced to 15 years in prison.

Authorities dismissed hundreds of state employees who expressed political dissent or participated in protests after the presidential election, including those employed as television hosts, radio and other media personnel, teachers, civil servants, law enforcement officers, athletes, university administrators, hospital administrators, and diplomats. On May 4, Lukashenka signed a decree depriving 87 former military and law enforcement officers of their ranks and compensation due to their actions in support of the political opposition. Among those targeted by the decree were the founders of BYPOL, an organization created by former members of the security services who quit their service in protest of the regime's postelection violence in 2020, had fled the country, and were documenting abuses committed by their former colleagues. Diplomats and law enforcement officers who resigned in protest of the government's crackdown or spoke out and were fired, were stripped of their ranks, regalia, and pensions. For example on August 20, police in Iuye detained a pro-opposition former lieutenant colonel who served in the police force for 20 years, apparently for expressing his antiregime political opinions and exercising his freedom of expression. In May authorities stripped him and more than 80 former officers of their ranks for expressing political dissent. Another of these officers, former investigator Yauhen Yushkevich, was detained on April 19 on charges of terrorism and participating in mass riots, reportedly in retaliation for his support of the political opposition. As of November 18, he remained in pretrial detention.

Authorities fired athletes from national teams for expressing political dissent or apolitical criticism against government officials, as in the case of Olympic athlete Krystina Tsimanouskaya (see section 1.e.).

The law also limits free speech by criminalizing actions such as giving information that authorities deem false or derogatory to a foreigner concerning the political, economic, social, military, or international situation of the country. No individuals

were identified as having been charged under this law, however.

The government prohibits calls to participate in “unsanctioned demonstrations” (see section 2.b., Freedom of Peaceful Assembly). On December 14, video blogger Uladzimir Tsyhanovich was convicted on charges of inciting social hatred and organizing mass riots and sentenced to 15 years in prison. Authorities also prohibited “extremist” information, which they defined as “information materials including printed, audio, visual, videos, placards, posters, banners and other visuals intended for public usage or distribution that seek the violent change of the constitutional order or the territorial integrity of the country; unconstitutional takeover of state powers; establishment of an illegal armed force; terrorist activities; inciting racial, ethnic, religious or other societal hatred; organizing mass riots; hooliganism and vandalism based on racial, ethnic, religious, or other societal hatred or discord; political and ideological hatred; promotion of supremacy of a group of residents based on their language, social, racial, ethnic, or religious background; and justification of Nazism, including the promotion, production, distribution, and displays of Nazi symbols.”

During the year the regime amended the law on “countering extremism,” which entered into force on June 14 and broadens the definition of “extremist activity” to include the distribution of information that authorities deemed “false,” organizing and holding events (i.e., assembling freely), and perceived insolence or attempts to discredit state institutions or officials. Among the activities authorities deemed “extremist” were regular independent journalism as well as efforts by the opposition, activists, and protesters to express their opinions or assemble peacefully. Authorities introduced individual liability for “extremist activities” and expanded the list of potential “extremist” organizations to include trade unions, NGOs, and media organizations. Law enforcement officials were also granted permission to use firearms at their discretion when “countering extremism” – viewed by independent observers as an open threat against journalists, protesters, activists, and the regime’s political opponents.

As of September the Ministry of Internal Affairs declared that more than 200 Telegram channels and online chat groups had been recognized as “extremist organizations” by the courts and warned that subscribing, storing materials, and reposting information from these channels would be punishable under the law.

On October 29, the Ministry of Internal Affairs declared the Telegram internet messenger channel NEXTA-Live, a platform used by opposition supporters to organize protests, to be an “extremist organization.” According to observers, as a result, under the amended extremism law, all of NEXTA’s nearly one million subscribers could be charged with “extremism,” which carries a sentence of up to seven years in prison. This “extremist” designation followed an October 2020 court decision declaring that the NEXTA logo was an “extremist” symbol and that the channel distributed “extremist materials.” On May 23, former NEXTA editor Raman Pratasevich was forcibly returned after the regime diverted his flight and forced it to land in the country (see section 1.e.).

On September 6, a Minsk court sentenced Maria Kalesnikava and Maksim Znak on charges of creating an “extremist organization,” causing harm to national security, and conspiring to unconstitutionally seize power. Kalesnikava and Znak were both detained in 2020 (see section 1.e., Political Prisoners and Detainees). The law does not provide penalties for displaying or keeping unregistered symbols, including opposition red and white flags, but it allows only registered symbols at authorized mass events. Although the “Pahonia” emblem is on a registry of the government’s historic and cultural symbols, the government expressed hostility toward protesters who carried red and white flags or the Pahonia symbol, and security forces detained demonstrators for doing so, as these symbols were generally identified with the opposition.

The regime introduced a new law on “preventing the rehabilitation of Nazism,” which entered into force on June 14 and expands the list of prohibited “Nazi symbols and attributes” to include symbols used to denote support for the opposition.

On March 10, prosecutors opened a criminal case against representatives of a Brest-based group of local Polish initiatives and Polish schools on charges of inciting social and ethnic hatred for allegedly “glorifying Nazism and justifying the genocide of the Belarusian nation.” The charges were in relation to an annual historical commemoration event for Polish soldiers who had fought against both Nazi and Soviet forces. After the event, police searched the premises of Polish organizations in Hrodna, Brest, Vaukavysk, and Lida and detained Hanna Panishava in Brest on March 12, Andzelika Borys in Hrodna on March 23, Andrzej

Poczobut in Hrodna on March 25, Irena Biarnatskaya in Lida on March 25, and Maria Tsishkouskaya in Vaukavysk on March 29. On May 25, Biarnatskaya, Tsishkouskaya, and Panishava were released on their own recognizance and moved to Poland, while at year's end Borys and Poczobut remained in pretrial detention. The annual event has been commemorated in Poland since 2011, and authorities had not previously opposed the event in the country.

**Freedom of Expression for Members of the Press and Other Media, Including Online Media:** Authorities limited access to information. State-controlled media did not provide balanced coverage and overwhelmingly presented the authorities' version of events, including falsehoods and disinformation released by the Lukashenka regime. Appearances by opposition politicians on state media in 2020 were limited to those required by law during the 2020 presidential election campaign period, and state media minimized this coverage and maximized coverage of Lukashenka and his regime. During the year state media actively and routinely propagated the Lukashenka regime's efforts to portray opposition politicians as enemies of the state or criminals. Authorities warned, fined, detained, interrogated, and stripped accreditation from members of the independent domestic media. Some state media journalists who quit were later detained, such as journalist Ksenia Lutschina, who remained in pretrial detention as of November after criticizing authorities in December 2020 (see section 1.e.).

State-owned media dominated the information field and maintained the highest circulation through generous subsidies and preferences. There was no countrywide private television, and broadcast media space was dominated by state-owned and Russian stations. Since August 2020 Russian state-media organizations largely controlled and managed Belarusian state-run channels, ensuring pro-Lukashenka and pro-Russian viewpoints continued to dominate the press.

Since October 2020 authorities allowed only nationals of the country where a media outlet is based to be accredited as correspondents. All Belarusian stringers for major Western outlets were stripped of accreditation in 2020 and were not reaccredited when they applied during the year. Some subsequently left the country.

The law prohibits media from disseminating information on behalf of unregistered



political parties, trade unions, and NGOs. By August authorities had eliminated independent media outlets in the country through several rounds of targeted reprisals, closures, website blockages, or other efforts to incapacitate the organizations. On May 18, authorities raided the offices of *Tut.by* (the largest independent media outlet in the country), blocked its website, and arrested its journalists. *Tut.by* was originally stripped of its media license in December 2020. Other independent media outlets were subsequently closed in May and August, including *reform.by*, *Nasha Niva*, and *Belapan*. Authorities also closed regional and local media outlets, such as the September 16 decision to block *Hrodna Life*, which authorities claimed distributed “extremist” materials. Some media operations that were closed or blocked re-established and continued their operations from outside the country.

**Violence and Harassment:** Authorities continued to harass and detain local and foreign journalists routinely, particularly those operating as freelancers or working for foreign outlets without accreditation. Security forces continually hampered efforts of independent domestic and foreign journalists to cover demonstrations and protests in Minsk and across the country, used violence against journalists, brought false allegations against them, and sentenced them to jail terms for doing their jobs. As of November the independent Belarusian Association of Journalists reported it had recorded at least 220 cases of violence and harassment against local and foreign journalists since the start of the year, which included detentions, beatings, attacks, fines, and jail sentences.

On July 8, security officers detained and beat the chief editor of the independent newspaper *Nasha Niva*, Yavor Martsinovich. According to his spouse, Martsinovich suffered a head injury during detention, which was confirmed when doctors examined him in the investigators’ office. As of November Martsinovich remained in pretrial detention. During the year authorities targeted independent media outlets, individual editors and journalists, and NGOs that provided media development and training for harassment, intimidation, and arrest. The regime harassed members of the analytical community that regularly contributed articles or commentary to independent media on political and economic issues. As of November an estimated 29 media representatives remained in jail under various politically motivated charges, varying from calls to violate public order to tax

evasion to coordinating protest activities.

On February 18, a Minsk court sentenced journalists from Poland-based independent media outlet Belsat to two years in prison. Darya Chultsova and Katsiaryna Andrejeva were charged with “organizing actions that grossly violated public order” for livestreaming a violent police crackdown on a peaceful protest in Minsk in November 2020.

On May 18, security officers raided the central and regional offices of *Tut.by*, the country’s most popular independent online resource, and detained several staff and management personnel, including Yuliya Charnyaukaya, the widow of *Tut.by*’s deceased founder. Authorities stated the raid was connected to alleged large-scale tax fraud by the outlet’s management, although harassment of the outlet and its journalists had been persistent since before the 2020 presidential election. As of December approximately 14 *Tut.by* employees or employees of affiliates, including chief editor Maryna Zolatava, remained in detention or under house arrest.

On July 16, law enforcement officers raided the Radio Free Europe/Radio Liberty office in Minsk, smashing the doors and searching the apartments of several staff. On the same day police raided the Minsk and regional offices of Belsat and confiscated all storage media and other property.

On August 19, authorities released the head of the professional journalist development and media literacy group Press Club Belarus, Yuliya Slutskaya, who was detained in December 2020 with three other colleagues on charges of tax evasion. Slutskaya and three colleagues sought a pardon in which they were required to admit their guilt and pay damages. In an interview Slutskaya said she had needed to pay twice the amount of the alleged “damages” in order to secure her release, which required her to sell a property she owned in Minsk.

On August 27, the regime deregistered the Belarusian Association of Journalists based on a ruling by the Supreme Court after continued harassment of the organization that included raids of its office by security officials in February and July, seizure of documents without inventory or attendance by a representative from the NGO, and the forced closure of its office. Since authorities decided to hold the trial at the Supreme Court, the NGO was left without the ability to appeal

the deregistration. The NGO continued its work from exile.

In the wake of the crackdown against the organizations, some outlets decided to withdraw their operations from the country due to concern about harassment and intimidation and continued working from abroad.

**Censorship or Content Restrictions:** By year's end the government had succeeded in shutting down all major independent media in the country. By law the government may close a publication – printed or online – after two warnings in one year for violating a range of restrictions on the press. Regulations also give authorities arbitrary power to prohibit or censor reporting. The Ministry of Information may suspend periodicals or newspapers for three months without a court ruling.

The threat of government retaliation led independent media outlets still operating within the country to exercise self-censorship and avoid reporting on certain topics or criticizing the government. The government tightly and directly controlled the content of state-owned broadcast and print media. Television channels are required to broadcast at least 30 percent local content. Local independent television stations operated in some areas and were under government pressure to forgo reporting on national and sensitive topics or risk censorship. Authorities extensively censored the internet (see section 2.a., Internet Freedom).

The government penalized those who published items counter to government guidelines. Some private retail chains also refused to continue selling copies of independent newspapers due to government pressure, and state-run and private printing houses refused to print them, forcing editors to procure printing services abroad. This opportunity was also closed, however, after printers in Russia began refusing to print Belarusian independent newspapers during the year.

The independent Baranavichy-based *Intex Press* newspaper was inspected and fined three consecutive times by different authorities for having published an interview with Svyatlana Tsikhanouskaya in April, including a fine of approximately 4,000 rubles (\$1,560) on May 5. The outlet's chief editor was questioned for nearly five hours by police and given two administrative charges for allegedly violating the law on distributing “banned” information via media and the

internet. He was also threatened with criminal charges for allegedly violating national security. In April, after the article was published, the Ministry of Information included the interview in its list of “extremist materials.” In May the government-controlled Belarusian Printing House unilaterally canceled its printing contract with the newspaper, ending its ability to publish and sell paper copies of its newspaper for the first time in 26 years. The outlet announced it would move its operation online.

Independent media outlets, including newspapers and internet news websites, faced discriminatory publishing and distribution policies, including limited access to government officials and press briefings and bans on printing paper copies, forcing some newspapers, such as the independent *Narodnaya Volya*, to switch to portable document format versions with paid subscriptions.

Authorities warned businesses not to advertise in newspapers that criticized the government. Private vendors, such as retail stores, conscious of tax inspections and other forms of economic pressure refused to sell independent newspapers. Advertisers continued to be pressured not to give their advertising dollars to out-of-favor, nonstate newspapers.

**Libel/Slander Laws:** Libel and slander are criminal offenses. The law provides large fines and prison sentences of up to four years for defaming or insulting the president. Penalties for defamation of character make no distinction between private and public persons. A public figure who is criticized for poor performance while in office may sue both the journalist and the media outlet that disseminated the critical report for defamation. Following a September 29 incident in which a KGB officer and an information technology worker were shot during a KGB raid, the KGB detained 200 persons for making comments critical of the KGB’s actions in the raid, and criminal cases were opened under the legal provision that prohibits insulting an official. After the Russian branch of *Komsomolskaya Pravda* released an article that included a comment from a friend of the technology worker offering a positive description of his character, Belarusian authorities blocked online access to its website and arrested Hienadz Mazheyka, the Belarusian author of the article. The Russian government criticized the action as a violation of media freedom, and the outlet decided to close its Belarus office and relocate staff to Russia.

**National Security:** Authorities frequently cited national security to arrest or punish critics of the government or deter criticism of government policies or officials. National security charges were used to punish political prisoners, including in court sentences against Kalesnikava and Znak in September (see section 1.e., Political Prisoners and Detainees).

## **Internet Freedom**

Authorities monitored internet communications without appropriate legal authority, and the regime's total control of the country's legislature, law enforcement, and judicial systems allowed authorities to monitor internet traffic without accountability or independent review. According to Freedom House's 2021 *Freedom on the Net Report*, all telecommunications operators are required to install surveillance equipment, making it possible for the government to monitor traffic in real time and obtain related metadata and data, such as users' browsing histories, including domain names and internet protocol addresses visited, without independent judicial oversight. All internet service providers are required to retain information about their customers' browsing histories for one year. Companies are also required to preserve identifying data regarding their customers' devices and internet activities for at least five years and to turn over this information at the government's request.

The government monitored email and social media. While individuals, groups, and publications were generally able to engage in the expression of views via the internet, including by email, all who did so risked possible legal and personal repercussions and often were believed to practice self-censorship. Opposition activists claimed their emails and other web-based communications were likely monitored.

Registered news websites and any internet information sources were subject to the same regulations as print media. Websites may apply to register as news outlets, but registration requires the site to have an office located in nonresidential premises and a chief editor who is a citizen with at least five years of experience in managerial media positions. Websites that choose not to apply for registration may continue to operate but without the status of a media outlet. Their correspondents may not receive accreditation from state agencies, and they may not cover mass

events or have the journalistic right to protect sources of information.

Authorities filtered and blocked internet traffic. Telecommunications companies reported that authorities ordered them to restrict mobile internet data severely on the days when large-scale demonstrations were expected or occurred.

Authorities restricted content online. Online news providers must remove content and publish corrections if ordered to do so by authorities and must adhere to a range of government prohibitions on free speech (see also section 2.a., Freedom of Expression). Authorities may block access to sites that fail to obey government orders, including because of a single violation of distributing prohibited information, without a prosecutor or court's mandate. If blocked, a network publication loses its media registration. Owners of a website or a network publication have one month to appeal government decisions to limit access to their sites or to deny restoring access to them in court. As of year's end the Ministry of Information had blocked access to more than 100 websites and their mirror pages.

There were also efforts to restrict or block social media outlets online (see section 2.a., Censorship or Content Restrictions). Authorities punished individuals for expressing their political views online (see section 1.d., Arbitrary Arrest or Detention). For example, authorities targeted Telegram users and group chat administrators throughout the year, prosecuting them for allegedly organizing and coordinating protest activity. On June 4, a Minsk district court convicted Dzianis Hutsin, Viktorya Kulsha, Hanna Vishnyak, and Tatsiana Shkrobat for purportedly administering the Telegram channel "Drivers 97" and sentenced them to two and one-half years in prison. All were charged with conspiring to organize mass riots, blocking roads, and violating public order.

Owners of internet sites may also be held liable for user comments that carry any prohibited information, and these sites may be blocked. The law also mandates the creation of a database of news websites and identification of all commentators by personal data and cell phone numbers. If a news website receives two or more formal warnings from authorities, it may be removed from the database and lose its right to distribute information. There were reports that media outlets removed comment sections from their websites to avoid the risk of reprisals.

By law the telecommunications monopoly Beltelecom and other organizations authorized by the government have the exclusive right to maintain internet domains.

Authorities attempted to restrict online anonymity. A presidential edict required registration of service providers and internet websites and required the collection of information on those who used public internet. It required service providers to store data on individuals' internet use for a year and provide data to law enforcement agencies upon request. Conviction for violation of the edict was punishable by a prison sentence, although no such violations were prosecuted. These potential government prosecution efforts, however, spurred the use of encrypted messenger programs, such as Telegram, that circumvented restrictions.

There were reports of politically motivated cyberattacks. Government webpages and databases were reportedly hacked.

### **Academic Freedom and Cultural Events**

The government restricted academic freedom and cultural events.

Educational institutions were required to teach an official state ideology that combined reverence for the achievements of the former Soviet Union and of the country under the leadership of Lukashenka. Government-mandated textbooks contained a heavily propagandized version of history and other subjects. Authorities obligated all schools, including private institutions, to follow state directives to inculcate the official ideology and prohibited schools from employing opposition members as principals.

The minister of education has the right to appoint and dismiss the heads of private educational institutions.

During the year the government restricted artistic presentations or other cultural activities. For example on February 13, riot police dispersed a rock concert in a village in the vicinity of Minsk. At least 68 persons were detained, the majority of whom were later arrested or fined. On February 14, the Ministry of Internal Affairs claimed the participants had held an unauthorized mass event and alleged “activists of destructive Telegram channels” gathered under the guise of a rock

concert.

On April 1, fire and sanitary inspection officers arrived at a photograph exhibit organized by an independent NGO and ordered it to close. The exhibit had opened the day before and featured photographs of doctors performing operations during the COVID-19 pandemic. The officers alleged the premises did not comply with fire safety regulations. The organizers asserted authorities were closing the exhibit on politically motivated pretenses to bar further public criticism of the government's inadequate response to the pandemic.

## **b. Freedoms of Peaceful Assembly and Association**

The constitution provides for freedom of peaceful assembly, but the government severely restricted this right and employed a variety of means to discourage demonstrations, disperse them, minimize their effect, and punish participants. The law provides for freedom of association, but the government restricted it and selectively enforced laws and regulations to restrict the operation of independent associations that might criticize the government.

### **Freedom of Peaceful Assembly**

Only registered political parties, trade unions, and NGOs could request permission to hold a demonstration of more than 1,000 persons. Authorities usually denied requests by independent and opposition groups as well as those of self-organized citizens' groups.

The law penalizes organizing and participating in unauthorized gatherings, the announcement of an intention to hold a mass event before securing official authorization, training protesters, financing public demonstrations, or soliciting foreign assistance "to the detriment" of the country. Convictions for some violations are punishable by sentences of up to three years' imprisonment.

As of May 24, authorities had eliminated the possibility for event organizers to obtain permission to hold a mass event at an officially designated location simply by notifying authorities 10 days prior to the event. Organizers of mass events at any location were required to apply at least 15 days in advance for permission, and authorities were compelled to respond no later than five days prior to the scheduled



event. This practice was not in line with international standards according to the Organization for Security and Co-operation in Europe's (OSCE) *Moscow Mechanism Report*. The report noted that authorities had not demonstrated the need for administrative arrests or fines in connection with spontaneous demonstrations.

On May 26, authorities amended the law to expand the list of violations punishable with prison terms to include repeat mass events violations within one year of the first violation. An additional amendment adopted on May 26 criminalizes public calls to organize or hold unauthorized gatherings, street marches, and other types of demonstrations; causing death or large-scale damage of property; encouraging others to participate in mass events; or paying for participation in mass events. The new amendment introduced penalties of up to five years in prison. Persons with criminal records for crimes related to violating peace and order, statehood and governance, public security, safety, public morals, and crimes against the state are barred from organizing mass events. Individuals who were fined or arrested for participating in unauthorized mass events also may not organize mass events for a period of one year from the imposition of the sentence.

The May 26 amendment to the mass events law prohibits collection and use of funds and other property to reimburse fines imposed on violators by authorities. The amendment also bans individuals, including journalists, from streaming or providing live coverage of mass events held in violation of the law "for the purpose of their promotion or propaganda." The law includes a system of reimbursements for police, medical, and cleaning services that organizers of mass events must pay to hold an event. Authorities continued to cover costs associated with events that were officially sponsored at the local and national level. A July 28 amendment, meanwhile, mandates that organizers sign contracts for services before applying for a permit to hold a mass event and reimburse all costs within 10 days. Organizers complained about the high costs of such contracts. For example, police services for an event with more than 1,000 participants at a specially designated venue cost approximately 7,250 rubles (\$3,000); at a nondesignated venue, the price was 50 percent higher.

Authorities continued to deny permits for public demonstrations. For example on April 20, Minsk city authorities denied a permit to hold an April 26 demonstration

marking the 35th anniversary of the Chernobyl nuclear accident, claiming the proposed route for the demonstration did not meet the authorities' mass event requirements, the rally could interfere with transport and pedestrian traffic, and the proposed route and timing had been announced before the regime's formal approval. Authorities also cited COVID-19 and police refusal to sign a contract with the organizers as additional reasons for denying the event's approval. On April 27, authorities detained traditional opposition Green Party leader Dzmitry Kuchuk for 15 days, which he later claimed was tied to the fact that his party was one of the applicants seeking to hold the Chernobyl commemoration.

Police detained and jailed opposition members who attempted to organize political events or rallies. According to human rights defenders, authorities delayed their official rejection of event permits until the eve of the event as a tactic to derail organizers' plans. Such delayed denials violated the authorities' regulations, which require officials to notify organizers five days in advance so they have time to announce the cancellation. Despite the delayed denials, authorities detained individuals who were unaware of the cancellation and arrived for the event or were nonparticipants but suspected by police to have been in the area for the canceled event.

In one example on March 25, the Ministry of Internal Affairs reported that police arrested more than 200 individuals for attempting to gather to celebrate the 103rd anniversary of the proclamation of the Belarusian National Republic because the event was not officially registered. The ministry further asserted that police arrests had prevented "large-scale protests announced by destructive Telegram channels" around the country. Authorities had prohibited organizers from holding the rally at the last minute on March 23. At least a dozen independent journalists were briefly detained and released, but the majority of the 200 peaceful demonstrators were either fined or sentenced to 15 days in jail.

Although police rapidly detained anyone they perceived to be gathering in an unauthorized demonstration, authorities also used other tactics to discourage persons from participating in unauthorized demonstrations or potentially preparing to demonstrate. Authorities videotaped political demonstrations, used bullhorns and speakers to threaten participants with arrest, and conducted identity checks as a form of intimidation, raising the threat that participants could be punished later.

For example on February 14, police detained 19 skiers in the village of Leshna in the Minsk region. Officers claimed the group of skiers had held an unauthorized mass event and used unsanctioned symbols such as white-red-white flags. The skiers were subsequently fined or detained for up to 15 days.

Between January and September, police detained more than 6,500 persons for participating in unsanctioned demonstrations or other protest-related activity. Police filed civil charges for participating in unauthorized mass events against the vast majority of individuals. Such charges typically resulted in fines, short-term jail sentences up to 30 days, or both. Police also opened at least 3,300 criminal cases against peaceful protesters and journalists between January and September.

On May 26, an amendment to the criminal code was signed into law that imposes criminal penalties on those who demonstrate publicly, repeatedly promote demonstrations, or produce and distribute Nazi symbols or paraphernalia (with penalties up to four years in jail). A separate amendment was also signed into law on May 26 that increases penalties for crimes related to the rehabilitation of Nazism to up to 12 years in prison (see section 2.a., Freedom of Expression).

Security forces physically and psychologically abused individuals while breaking up events, while individuals were in detention vehicles, and once protesters were in detention facilities (see section 1.c.). Authorities used water cannons, stun grenades, rubber bullets, pepper spray, and batons to break up demonstrations. No investigations were conducted into complaints of human rights abuses by police or extreme use of force.

In some cases courts sentenced participants in peaceful protests to long prison terms on criminal charges, in particular when authorities claimed demonstrators had engaged in violence. Authorities claimed protesters had been violent and state-controlled courts issued criminal sentences for alleged violence, but no investigations were conducted into human rights abuses and violent conduct by security forces (see sections 1.c., 1.d., and 1.e.).

As of December 17, at least 114 individuals who were detained for peacefully protesting by singing songs and circle dancing for allegedly “endangering road traffic safety” and participating in an unauthorized mass event in September 2020

were convicted and given sentences of up to five and one-half years in prison.

Participants in demonstrations faced retaliation at state-run places of education or employment. According to a Ministry of Education directive, educational institutions may expel students who engage in antigovernment or unsanctioned political activity and must ensure the proper ideological education of students. School officials, however, often cited poor academic performance or absence from classes as the official reason for expulsions. According to human rights organizations, at least 50 students were reportedly expelled throughout the year due to their political views.

On August 25, Andrei Pyatrouski, a social studies teacher from Smarhon with 20 years' experience, was sentenced to one and one-half years in a penal colony for defamation and slander because he showed his class a video critical of Lukashenka from a Telegram channel that the state labelled extremist. Pyatrouski told independent media that he showed his class the video in response to questions he received on the constitution and the white-red-white flag during a discussion on Constitution Day in early March. According to independent media, a local official's son in the class filmed Pyatrouski and showed his parents, who alerted local authorities.

### **Freedom of Association**

Following threats made by Lukashenka in July, the government closed several hundred independent civil society organizations that existed in the country through legal deregistration mechanisms, such as court proceedings. Throughout the year, but increasingly from July onwards, authorities deregistered approximately 300 independent civil society organizations – in particular, closing those with a nationwide reach. Following directives from Lukashenka, all types of independent civil society organizations were targeted for deregistration, including human rights organizations, sports associations, media outlets, environmental organizations, groups working to support persons with disabilities, and organizations working to counter trafficking in persons. Organizations with long track records of positive engagement with authorities were not spared.

All NGOs, political parties, and trade unions must receive Ministry of Justice

approval to be registered. A government commission reviews all registration applications; it based its decisions largely on political and ideological compatibility with official government views and practices.

Actual registration procedures require applicants to provide the names of founders along with a physical address in a nonresidential building for an office, which observers considered a difficult burden in view of the tight financial straits of most NGOs as well as individual property owners' concerns that renting space to NGOs would invite government harassment. Individuals listed as members were more likely to face government pressure if the NGO fell afoul of authorities.

Unregistered organizations that were unable to rent or afford office space reportedly attempted to use residential addresses, which authorities could then use as a reason to deny registration or claim the organizations were operating illegally. Activities conducted on behalf of unregistered groups were punishable with administrative fines.

The law on public associations prohibits NGOs from keeping funds for local activities at foreign financial institutions. An August 2020 presidential decree provides that only registered NGOs may legally accept foreign grants and technical aid and only for a limited set of approved activities. NGOs must receive approval from the Interdepartmental Commission on Foreign Grant Aid before they may accept funds or register grants that fall outside a list of approved aid categories. Authorities further divided the aid usage into tax-exempt and taxable categories, the latter of which required a registration fee equal to 0.5 percent of the taxable aid. The decree also introduces penalties for the usage of unauthorized or undeclared aid by primary or secondary aid beneficiaries and allows authorities to terminate aid funding.

Authorities may close an NGO after issuing only one warning that it violated the law. The most common pretexts prompting a warning or closure were failure to obtain a legal address and technical discrepancies in application documents. The law allows authorities to close an NGO for accepting what it considered illegal forms of foreign assistance and permits the Ministry of Justice to monitor any NGO activity and to review all NGO documents. NGOs also must submit detailed reports annually to the ministry regarding their activities, office locations, officers, and total number of members (see also section 5).

Authorities harassed, intimidated, and obstructed independent civil society organizations. During the year authorities frequently confiscated computers and other equipment and damaged private property while breaking into the offices and homes of civil society organizations, activists, human rights defenders, and individuals associated with political cases. For example, during police raids against numerous civil society organizations, including the Belarusian Association of Journalists, Belarusian Helsinki Committee, and Gender Perspectives, security officials damaged entrances, barred re-entry, did not conduct the seizures in the presence of a representative from the organization, and did not take inventory of the documents and items they seized.

Authorities harassed, intimidated, and imprisoned members of the Coordination Council formed by opposition leader Svyatlana Tsikhanouskaya to work toward a peaceful resolution of the political crisis. As of November those presidium members located in the country remained under house arrest and faced charges related to their exercise of freedoms of expression, assembly, and association. After its formation in August 2020, the core group had approximately 70 members, seven of whom were elected to form a presidium, and later grew to thousands of members. Within a month all but one of the members of the council's presidium had been forced to flee the country or were imprisoned (see section 1.e.). Authorities continued to harass the independent and unregistered Union of Poles of Belarus and its members, while supporting a progovernment organization of a similar name.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government at times restricted the right of citizens, particularly former political prisoners, to foreign travel. Following the 2020 presidential election, the government increased restrictions on the ability of citizens to return home from abroad.

**In-country Movement:** Passports serve as a form of identity, and authorities required them for permanent housing, work, and hotel registration. Police continued to selectively harass individuals who lived at a location other than their legal place of residence as indicated by mandatory stamps in their passports.

The law also requires persons who travel to areas within 15 miles of the border (aside from authorized crossing points) to obtain an entrance pass.

**Foreign Travel:** The government's database of persons banned from traveling abroad contained the names of individuals who possessed state secrets, faced criminal prosecution or civil suits, or had outstanding financial obligations. Authorities informed some persons by letter that their names were in the database, while others learned only at border crossings. The Ministry of Internal Affairs and security agencies, border and customs services, and financial investigation departments have a right to place persons on "preventive" surveillance lists.

The Ministry of Internal Affairs is also required to track citizens working abroad, and employment agencies must report individuals who do not return from abroad as scheduled.

In December 2020 the government imposed exit restrictions on citizens seeking to leave the country by land, reportedly to limit the spread of COVID-19; NGOs and activists claimed the closures reduced options for those seeking to leave the country. The measures restricted the frequency of departures and the categories of persons who could depart. Authorities kept airports open to international travel during this period, although limited flight availability and high prices restricted options for those seeking to leave the country. Authorities permitted cross-border travel for most individuals once every six months. In September authorities modified these restrictions and allowed citizens who had foreign residency permits to cross the land border once every three months.

**Exile:** The law does not allow forced exile, but there were reports that security forces continued to threaten some opposition members with bodily harm or prosecution if they did not leave the country, particularly after the August 2020 election. Others were driven to the border by authorities and forced to cross.

The vast majority of individuals who were forced to leave the country in 2020

remained in forced exile during the year, including presidential hopeful Valery Tsapkala and opposition candidate Svyatlana Tsikhanouskaya. In August 2020 opposition activists Volha Kavalkova, Ivan Krautsou, and Anton Radnyankou were forced into exile.

**Citizenship:** On August 5, Lukashenka signed a decree expanding an amendment to the citizenship law that came into force on June 18. The decree allows naturalized citizens who are 18 and older to be stripped of their citizenship for participating in extremist activities or inflicting serious damage to the interests of the country, charges often used by authorities in politically motivated cases. The provision does not apply to citizens by birth.

#### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

#### **f. Protection of Refugees**

The government provided limited cooperation with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. Authorities either did not approve or delayed approval of requests made by UNHCR to provide assistance to irregular migrants in the country, including those located near the country's borders with the EU.

**Access to Asylum:** The law provides for granting asylum or refugee status and complementary and temporary protection to foreign citizens and stateless persons, with some exceptions. The government has established a process for determining refugee status and a system for providing protection to refugees. The law provides for protection against refoulement granted to foreigners who are denied refugee status or temporary protection but are unable to return to their countries of origin.

All foreigners except Russians have the right to apply for asylum. According to the terms of the Union Treaty with Russia, Russian citizens may settle and obtain residence permits in the country. As of November 1, the government made an exception for a family of four Russian citizens who sought asylum for religious



reasons.

**Refoulement:** There were reports that the government expelled or returned asylum seekers or refugees to countries where they were likely to face abuse.

According to credible press reports and a report published by Amnesty International on December 20, in November and December, in some cases authorities forced migrants to choose between deportation or additional attempts (often in dangerous conditions) to cross irregularly into the EU. Migrants and asylum seekers interviewed by media reported only some migrants left the country voluntarily, and many were detained in rented apartments or on the street, taken to the Minsk Airport, and deported against their will without due process to countries where they faced significant risk of abuse, such as Syria. In November Iraqi journalist Reben Sirwan told independent press that he had flown to the country to attempt to enter the EU and applied for asylum in the country after he failed. According to Sirwan, he feared for his life if he returned to Iraq and contacted UNHCR representatives in the country, who directed him to the Ministry of Internal Affairs Department of Citizenship and Migration in accordance with established procedure in asylum cases. When Sirwan requested asylum, he was told that he would be deported, and he claimed officials ignored his statements that he was a journalist and could be killed if returned to Iraq. After requesting asylum, Sirwan claimed security forces attacked him with a stun gun, beat him, and eventually forced him to board the first plane to Damascus, Syria, without being allowed to pack his belongings. Sirwan told press he was held for four days in Syria before being sent to Erbil, Iraq. He immediately fled again.

**Abuse of Migrants and Refugees:** Starting in late May, media reports indicated that authorities purposefully orchestrated irregular migration to the country from countries such as Iraq, the Democratic Republic of Congo, Cameroon, Syria, and Afghanistan, often through state-owned or state-affiliated travel agencies in partnership with travel agencies in the region, with the aim of facilitating these individuals' onward travel overland to cross irregularly into the EU. Once the migrants and asylum seekers reached the country, authorities often organized their travel to the borders of neighboring countries of Latvia, Lithuania, and Poland and encouraged, and in many instances forced, the migrants to attempt irregular border crossing. When the migrants failed to enter the EU, security services reportedly

beat them and forced them to remain at the border to attempt additional border crossings.

On May 26, Lukashenka threatened in a speech to the National Assembly to send irregular migrants to the EU in retaliation for sanctions against Belarus. Authorities eased the visa processes for migrants from third countries, assisted or organized migrants' travel to the border, and assisted migrants with climbing over border fences or in identifying unguarded sections of the border. On October 4, the National Assembly voted to suspend an agreement with the EU on the readmission of persons not admitted into the EU following Lukashenka's repeated statements that he intended to suspend the agreement.

When irregular migrants were unsuccessful in entering or refused entry into neighboring countries, there were credible reports that Belarusian security services beat them and coerced them into attempting again to enter the EU. For example, a November 24 report by Human Rights Watch (HRW) contained the account of a 21-year-old Syrian Kurd who border guards forced to attempt to cross the border into Poland four times. On his final attempt, border guards forced him and his friends to use an inflatable raft to cross a turbulent part of the Bug River into Poland, which capsized, resulting in the drowning of one of his friends. According to multiple press interviews with irregular migrants and asylum seekers in November, authorities physically abused migrants at the border in efforts to encourage them to attempt border crossings and forcefully prevented them from departing the area farther into Belarus when they were unsuccessful. For example on November 10, Syrian migrant Youssef Zatanna told Polish press that Belarusian officers broke his nose and cheek bone. Other migrants and asylum seekers shared similar stories of violence at the hands of Belarusian security forces. In a December 20 Amnesty International report, migrants and asylum seekers claimed authorities drove them to the border, beat them with batons, and then chased them with dogs, forcing them to cross.

**Freedom of Movement:** According to the November 24 HRW report, authorities in some cases confined migrants and asylum seekers who entered the country through state-affiliated travel agencies as part of the state-orchestrated migrant smuggling operation to “collection sites” – open-air locations without tents, shelters, or sanitation – near the border with Poland, Lithuania, and Latvia.

Migrants and asylum seekers reported to HRW that authorities beat them if they attempted to leave the sites, where they were denied food and water and the ability to make fires. A Kurdish Syrian family interviewed in a December 20 Amnesty International report said they were forced to stay in the collection site for 20 days and received food at most once per day. Other individuals told Amnesty International they were allowed to leave the site only after bribing authorities.

Outside the context of the state-sponsored migrant smuggling that began in late May, asylum seekers have freedom of movement within the country but must reside in the region where they filed their applications for refugee status and in a place known to authorities while their applications are being considered, including during appeals. Authorities reportedly often encouraged asylum seekers to settle in rural areas; however, the majority settled in cities and towns. Change of residence was possible with a notification to authorities. Authorities issue registered asylum seekers certificates that serve as documents to confirm their status as asylum seekers and identity and protect them from expulsion. By law they also must register with local authorities at their place of residence.

**Access to Basic Services:** Adults who are seeking asylum must pay for higher education as well as for nonemergency medical services, while minors receive education and medical services free of charge. Free legal assistance, housing, and language training are not available to either asylum seekers or refugees. Once asylum seekers obtain asylum, they are treated as residents.

**Durable Solutions:** Naturalization of refugees was possible after seven years of permanent residence, as in the case of other categories of foreign residents.

**Temporary Protection:** Although the government may provide temporary protection (for up to one year) to individuals who may not qualify as refugees, it did not do so during the year.

## **g. Stateless Persons**

As of June 30, the Ministry of Internal Affairs and UNHCR listed 5,985 stateless persons in the country. According to UNHCR, all had either temporary or permanent residence permits.

Permanent-resident stateless persons were treated comparably to citizens in terms of access to employment, except for a limited number of positions in the public sector and law enforcement bodies that were available only to citizens. There were reports that stateless persons occasionally faced discrimination in employment, since authorities often encouraged them to settle in rural areas where the range of employment opportunities was limited. According to UNHCR, stateless persons could freely change their region of residence.

There is a path to citizenship for the stateless population. The main requirement is at least seven years' permanent residence. Authorities have a procedure for expedited naturalization but mostly for individuals born or permanently residing in the country prior to the collapse of the Soviet Union, ethnic Belarusians, their spouses, and descendants. If a child is born into a family of stateless persons permanently residing in the country, the child is entitled to citizenship.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage, but the government consistently denied citizens this ability by failing to conduct elections according to international standards and detaining, imprisoning, exiling, or threatening those individuals who sought free and fair elections.

After his election in 1994 to a four-year term as the country's first president, Alyaksandr Lukashenka steadily consolidated power in the executive branch to dominate all branches of government, effectively ending any separation of powers among the branches. Flawed referendums in 1996 and 2004 amended the constitution to broaden his powers, extend his term in office, and remove presidential term limits. Subsequent elections, including the National Assembly elections held in 2019 and the August 2020 presidential election, denied citizens the right to exercise their will in an honest and transparent process, including fair access to media and to resources.

### **Elections and Political Participation**

**Recent Elections:** According to independent local observation groups, the August

2020 presidential election was marred by numerous abuses, the use of administrative resources in favor of the incumbent, the absence of impartial election commissions, unequal access to media, coercion of voters to participate in early voting, nontransparent vote tabulation, and restrictions on independent observers. Irregularities identified by NGOs and independent observers raised significant doubts regarding authorities' claims that Lukashenka received 80 percent of votes during the presidential election.

Government pressure against potential opposition presidential candidates began three months prior to the 2020 presidential election and continued through 2021 against those candidates who had run for president, as well as those who had expressed interest but were barred. This pressure included exile and prison sentences for prominent former candidates. Prior to the presidential election, authorities restricted the ability of challengers to register as candidates, restricted candidates from campaigning, pressured and detained presidential campaign teams, pressured citizens who showed support for opposition candidates, and detained members of the press to limit opposition coverage.

The OSCE rapporteur's *Report under the Moscow Mechanism on Alleged Human Rights Violations* related to the 2020 presidential election, released in November 2020, detailed a wide range of allegations of electoral irregularities concerning: "1) non-timely invitation of international observers, 2) shortcomings in the appointments of election management bodies on all levels, 3) restrictions of the right to stand (for office), 4) limitations in election dispute resolution, 5) overall disregard for freedom of assembly, 6) unequal playing field for candidates, including non-transparency in campaign financing, 7) non-transparent early voting process, 8) overcrowding of polling stations, 9) missing checks and balances, lack of possibility for verifying the electoral results, and 10) inaccessibility of all steps of the electoral process for observation inhibiting the effective assessment of the elections." The report stated that "in view of the evident shortcomings of the presidential elections which did not meet the basic requirements established on the basis of previous election monitoring and the observations by citizen, the presidential election have to be evaluated as falling short of fulfilling the country's international commitments regarding elections. Allegations that the presidential elections were not transparent, free or fair were found confirmed."

International observers assessed that the 2019 National Assembly elections also failed to meet international standards. According to the OSCE's Office for Democratic Institutions and Human Rights, OSCE Parliamentary Assembly, and Parliamentary Assembly of the Council of Europe election observation mission intermediate report, while the National Assembly elections proceeded calmly with a high number of candidates and observers, they did not meet important international standards for democratic elections, and there was an overall disregard for fundamental freedoms of assembly, association, and expression.

The observation mission report on the National Assembly elections found that a high number of candidates stood for election, but an overly restrictive registration process inhibited the participation of opposition candidates. A limited amount of campaigning took place within a restrictive environment that, overall, did not provide for a meaningful or competitive political contest. Media coverage of the campaign did not enable voters to receive sufficient information about contestants. The election administration was dominated by the executive authority, limiting its impartiality and independence, and the integrity of the election process was not adequately safeguarded. Significant procedural shortcomings during the counting of votes raised concerns regarding whether results were counted and reported honestly, and an overall lack of transparency reduced the opportunity for meaningful observation.

**Political Parties and Political Participation:** Authorities routinely impeded the activities of opposition political parties and activists. Some opposition parties lacked legal status because authorities refused to register them, and the government routinely interfered with the right to organize, run for election, seek votes, and publicize views. As of November 17, the government allowed approximately six largely inactive but officially registered pro-Lukashenka political parties to operate. During the year the government used its monopoly on broadcast media to disparage the opposition and promote Lukashenka and pro-Lukashenka parties and to restrict the ability of opposition candidates to publicize their views. There were reports of government resources being used to benefit the incumbent ahead of the 2020 election, such as government officials campaigning for Lukashenka during working hours.

During the year authorities fined and arrested opposition political parties' leaders

and political activists for violating the law on mass events and participating in unauthorized demonstrations (see sections 2.a. and 2.b.). The law allows authorities to suspend parties for six months after one warning and close them after two. The law also prohibits political parties from receiving support from abroad and requires all political groups and coalitions to register with the Ministry of Justice. Members of parties that continued to operate when authorities refused to register them, such as the Belarusian Christian Democracy Party, continued to be subjected to harassment and arbitrary checks.

In August three political parties – the Belarusian Social Democratic Party (Hramada), Belarusian Green Party, and Belarusian Left Party “Fair World” – were blocked from holding a conference on August 25 to mark the 30th anniversary of the Declaration of State Sovereignty, which commemorates the country’s independence from the Soviet Union. Multiple government agencies and hotels refused to rent space to hold the event.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women or members of minority groups – including the ethnic Polish minority, persons with disabilities, and lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals – in the political process, but the government’s patriarchal attitude disfavored women’s efforts to achieve positions of authority. As of September, of the country’s 30-member Council of Ministers, one minister was a woman. Women increasingly joined the opposition as leaders, served as vocal members of the opposition, led regular “women’s marches,” and participated in protests more broadly compared with previous elections, although historically marginalized women, including rural and older women, remained the most politically disengaged groups (see section 6, Women).

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption, and the government appeared to prosecute regularly officials alleged to be corrupt. The World Bank’s Worldwide Governance Indicators reflected that corruption was a serious problem in the country. In 2019 the Council of Europe’s Group of States against

Corruption (GRECO) declared the country noncompliant with its anticorruption standards. The government did not publish evaluation or compliance reports, which according to GRECO's executive secretary, "casted a dark shadow over the country's commitment to preventing and combating corruption and to overall cooperation with GRECO." In 2019 GRECO's executive secretary repeated its concerns regarding the country's "continuous noncompliance."

**Corruption:** According to official sources, most corruption cases involved soliciting and accepting bribes, fraud, and abuse of power, although anecdotal evidence indicated such corruption usually did not occur as part of day-to-day interaction between citizens and minor state officials.

There were reports that individuals connected to Lukashenka received preferential treatment from his regime in the form of monopolies, tax breaks, favorable contracts, and other mechanisms, often codified by presidential decrees signed by Lukashenka himself. In exchange, they reportedly provided funds to Lukashenka and his inner circle, financed Lukashenka's personal projects, and supported the regime publicly.

The absence of independent judicial and law enforcement systems, the lack of separation of powers, and a virtually eradicated independent press largely barred from interaction with a nontransparent state bureaucracy made it virtually impossible to gauge the scale of corruption or combat it effectively.

The most corrupt sectors were state administration and procurement, the industrial sector, the construction industry, health care, and education.

On October 4, the Ministry of Internal Affairs reported that authorities detained the general managers of state-run meat-processing factories in Pinsk and Slutsk and directors of unspecified "commercial entities" allegedly associated with the factories. The former reportedly accepted bribes for unconditionally expediting shipments of high-demand meat products via commercial intermediaries to Russia and other Commonwealth of Independent State countries. According to the ministry, individual bribes were as high as \$10,000, and the suspects were being held in pretrial detention.

On December 30, a Minsk district court convicted five former general managers of



state-run sugar refineries, including the head of the Belarusian Sugar Company, on charges of giving and accepting multiple bribes up to \$150,000 each and sentenced all to up to 13 years in prison. The court also ordered defendants to compensate more than 11 million rubles (\$4.4 million) in damages. When they were reportedly detained and charged with accepting “hundreds of thousands of dollars” in bribes in January 2020, Lukashenko accused them of “pocketing kickbacks and corruption” for allegedly selling sugar at low prices through intermediaries that exported it to Russia and illegally reimported it at higher prices. Additionally, state media reported in January 2020 that police also detained the former deputy head of the Ministry of Internal Affairs’ Main Directorate for Combatting Organized Crime and Corruption, Uladzimir Tsikhinya, who allegedly facilitated defendants’ illegal activities and forewarned them of possible checks and inspections at refineries. When court hearings of the criminal case commenced on July 27, Tsikhinya did not attend any either as a witness or a defendant, and there were no reports regarding his status in the case. In general, corruption prosecutions remained selective and nontransparent.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

Until July there were a number of active domestic human rights NGOs, although authorities were often hostile to their efforts, restricted their activities, selectively cooperated with them, and were not responsive to their views.

On July 14, authorities launched a countrywide crackdown on media and civil society organizations and activists, which included arrests of human rights defenders and legal proceedings to liquidate NGOs on various politically motivated charges that largely sought to prevent activists and NGOs from exercising their fundamental freedoms, including expressing criticism of the government, recording authorities’ human rights abuses, and assisting victims of said abuses. As of October, 275 NGOs had been liquidated. The last major independent media outlet was closed in August, and the last national human rights organization was closed in October. A number of human rights defenders chose to flee the country to avoid immediate arrest. In a November 19 interview with BBC,

Lukashenka stated authorities would “massacre” all NGOs that had received funding from the West.

On January 21, the government opened a criminal investigation into activities of the Office for the Rights of Persons with Disabilities, claiming the organization financed protest activities by reimbursing fines and defense lawyers’ costs for individuals with disabilities. Authorities claimed these activities purportedly constituted fraud and searched the NGO’s offices and the private residence of the organization’s accountant, Tatsiana Kryshtal, during which they confiscated computer equipment and cell phones. On February 2, the Financial Investigations Department of the State Control Committee detained the NGO’s leader, Siarhei Drazdouski, and his deputy, Aleh Hrablouski. Both were interrogated for more than seven hours without access to defense lawyers. Officers forced Hrablouski to undress and Drazdouski to sit still for hours in his wheelchair. As of July 31, Drazdouski was under house arrest and Hrablouski remained in pretrial detention. Authorities forcibly closed the NGO on August 3, and the investigation into Drazdouski and Hrablouski’s cases reportedly continued as of October (see section 6, Persons with Disabilities).

Because authorities deregistered most independent civil society organizations in the country, some NGOs, including Vyasna and Legal Assistance to the Population, were forced to continue their operations from outside the country.

Authorities harassed both registered and unregistered human rights organizations prior to the sector-wide deregistration of human right groups in July. They subjected them to inspections and threats of deregistration and reportedly monitored their correspondence and telephone conversations. During the year human rights activists were arrested as part of the regime’s crackdown on independent civil society organizations and activists. Human rights groups and activists who continued their work after deregistration faced harassment and threats of arrest for their activities.

On January 18, police detained Homyel-based Vyasna human rights advocate Leanid Sudalenka and volunteer Marya Tarasenska. On January 21, police detained Tatsiana Lasitsa, another Vyasna volunteer from Homyel, and authorities charged the three human rights defenders with participating in group activities grossly

violating public order in connection with their efforts to assist victims of the regime's human rights abuses after the 2020 election. After Tarasenska was charged, she was released on January 21 and fled the country. On November 3, a Homyel court sentenced Sudalenka to three years in prison and Lasitsa to two years and six months in prison.

On February 16, police searched offices and private residences of Vyasna advocates and Belarusian Association of Journalists (BAJ) members in the framework of a criminal case on charges of participating in activities grossly violating public order. On July 14, authorities detained Vyasna leader Ales Byalyatski, deputy chair Valyantsin Stephanovich, and leading advocate Uladzimir Labkovich. At least seven other Vyasna members were also detained but released a few days later pending criminal charges. As of November seven Vyasna members remained in detention.

On February 12, authorities charged Vyasna human rights activist and volunteer coordinator Marfa Rabkova with participating in a criminal group and inciting social hatred. In September 2020 Rabkova was detained and later charged with criminal activity for the "training or other preparation of persons to participate in riots or funding such activities." Vyasna asserted that Rabkova's detention and charges were a politically motivated response to her efforts to train short-term election observers for the Human Rights Defenders for Free Elections volunteer initiative and her work in documenting severe abuses of detainees. As of December Rabkova remained in detention. Vyasna considered Rabkova to be a political prisoner.

Prior to the July crackdown, the government largely ignored reports issued by human rights NGOs and rarely met with them. State-run media rarely reported on human rights NGOs and their activities.

Authorities may close an NGO after issuing only one warning that it violated the law, including the law on mass events. The law allows authorities to close an NGO for accepting what it considered illegal forms of foreign assistance and permits the Justice Ministry to monitor NGO activities and review their documents. NGOs must also submit detailed annual reports to the ministry regarding their activities, office locations, and total number of members.

Authorities drew on these regulations when deregistering the majority of independent NGOs operating in the country during the year.

Authorities did not engage on human rights problems with international human rights NGOs or other human rights officials, and international NGO representatives often had difficulty gaining admission to the country in their official capacity. Authorities routinely ignored local and international groups' recommendations on improving human rights in the country, as well as requests to stop harassing the human rights community.

**The United Nations or Other International Bodies:** In 2018 the UN Human Rights Council appointed Anais Marin as the special rapporteur on the situation of human rights in the country. The government continued to speak against “the politicized and senseless” mandate of the rapporteur, refused to recognize the mandate, and denied Marin entry to the country. In September 2020, 17 OSCE participating states invoked the Moscow Mechanism to establish an expert mission to examine and report on allegations of human rights violations and abuses in connection with the August 2020 presidential election. Belarus authorities did not cooperate with the expert mission or allow it access to the country. On November 4, 35 OSCE participating states invoked the OSCE Vienna Mechanism under which Belarus must answer a series of questions on the implementation of its human rights commitments as an OSCE member. The French ambassador to the OSCE, on behalf of the 35 OSCE participating states invoking the mechanism, noted that the Belarus OSCE delegation’s response “did not indicate a material change in the approach of the Belarusian authorities” regarding concerns raised about serious human rights violations and abuses in the country.

**Government Human Rights Bodies:** The country does not have an ombudsman or other national human rights institution. A standing commission on human rights in the lower chamber of the National Assembly was ineffective.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law criminalizes rape of women and men in

general but does not include separate provisions on marital rape. The penalty for conviction of rape with aggravating factors is three to 15 years' imprisonment. While sexual assault and rape continued to be significant problems, authorities generally prosecuted cases against nonspousal rape. For example, in October police in Barysau arrested a 57-year-old man on charges of raping a 16-year-old girl. According to police the case was considered under the law as rape of a known minor, which is punishable by imprisonment for a term of five to 13 years, and the abuser had been previously convicted on similar accounts. According to NGOs, authorities often did not adequately consider spousal rape incidents and did not prosecute such cases unless they involved severe aggravating factors and direct threats to victims' lives or deaths.

Domestic violence was a significant problem, and authorities did not take effective measures to prevent it or its root causes, such as substance abuse, unemployment, and other economic, cultural, and social problems. For example, police in a village in the Lida region reported that a man continuously abused his common-law spouse. The man was sentenced in June 2020 to three months in prison for abuse, but in July 2020 before beginning his sentence, he attacked his spouse with a knife, injuring her face and chest. For the attack, in March he was convicted and sentenced to seven years in prison on charges of attempted murder. Nevertheless, the woman continued to claim she had no problem with her spouse and told doctors her injuries were accidental.

Authorities continued to issue protective orders mandating the separation of survivors and abusers and provided temporary accommodations for the duration of the orders. It also operated 138 crisis rooms that provided limited shelter and psychological and medical assistance to survivors.

The law establishes a separate definition of domestic violence and provides for implementation of protective orders, which are from three to 30 days in duration. The law requires authorities to provide survivors and abusers with temporary accommodation until the protective orders expire. In addition the law prescribes a substantial fine or detention for up to 15 days for violating protective orders, battery, intended infliction of pain, and psychological or physical suffering committed against a close family member.

According to women's rights advocates, protective orders and crisis rooms remained ineffective and provided limited protection of the rights of survivors. Efforts to prosecute offenders and ensure legal and other remedies to correct their behavior were also lacking. NGO experts continued to note the lack of state-supported designated shelters and specialists who work with survivors, children, and aggressors.

According to a senior Ministry of Internal Affairs official, as of April officers were monitoring more than 8,000 individuals who had committed domestic violence-related crimes, including more than 10,000 administrative cases filed from January to March. The official stated the number of severe crimes related to domestic violence decreased from 109 to 78 cases in January through March, compared with the same period in 2020, and the number of persons killed by their spouse declined from 27 to 22. On October 25-30, Minsk city police reportedly inspected residences of families with a record of domestic violence or that were in vulnerable conditions and held "preventive" talks with them.

On July 15, the NGO Gender Perspectives stopped operating a nationwide hotline for domestic violence after authorities searched its offices and interrogated several personnel on July 14 in the framework of a broad crackdown on civil society (see sections 2 and 5). In 2020 it had also stopped working with the Ministry of Internal Affairs representative following the government's crackdown on demonstrators. As of April the shelter and hotline providers had not seen an increase in requests for help in the country during the COVID-19 pandemic, associating this with the lack of a government-imposed countrywide lockdown or self-isolation requirements. The Ministries of Internal Affairs, Labor and Social Protection, and Health Care and NGOs continued a campaign, "Home without Violence," that was held on April 5-9. The campaign was covered by state media.

On September 28, authorities liquidated Gender Perspectives, which in addition to operating the hotline, had cooperated with authorities to play a nationwide role in assisting domestic violence and trafficking survivors, advocating for their rights, promoting a separate law on countering domestic violence, and assisting victims. The NGO was one of many civil society organizations closed in cases widely seen as politically motivated (see section 5).

Despite numerous inspections by the government throughout the year, as of December the NGO Radislava continued to operate a private shelter for survivors of domestic violence, to advocate for their rights, and to assist women and their children with medical care, legal aid, employment, social reintegration, and psychological therapy. On November 9, police detained the former coordinator of Radislava's shelter and leading women's rights advocate for allegedly coordinating protests in 2020. As of December she remained in pretrial detention.

**Sexual Harassment:** Sexual harassment reportedly was widespread, but no specific laws, other than those against physical assault, address the problem. Victims of sexual harassment did not have access to criminal or civil remedies for sexual harassment that occurred in the workplace.

**Reproductive Rights:** In prior years women with disabilities, especially those who were institutionalized, as well as pregnant women whose children were diagnosed with potential disabilities in utero, reported that some doctors insisted they terminate their pregnancies. While there were no indications that the practice had changed, no specific cases were highlighted during the year by press or NGOs.

Institutionalized individuals with disabilities had no political or civil rights, and courts recognized the directors of these institutions as the legal guardians of these individuals. Institutionalized individuals were not able to provide informed consent to medical treatment affecting their reproductive health, including for sterilization, due to mental or other disabilities.

Although comprehensive education on reproductive health or pregnancy was not provided in schools, access to information on contraception was widely available. Government policy does not bar access to contraception, but some groups may oppose it on religious grounds. While there were no legal or cultural barriers to skilled health attendance during pregnancy and childbirth and skilled postpartum care was widely available, there were fewer professionals with the skills to assist with difficult pregnancies outside of Minsk. Authorities provided access to emergency health care, including emergency contraception for survivors of sexual violence.

**Discrimination:** The law provides for equal treatment of women with regard to

religious, personal status, and nationality laws, as well as laws related to labor, property, inheritance, employment, access to credit, and owning or managing businesses or property. Women generally did not experience discrimination in such areas as marriage, divorce, child custody, education, the judicial process and other institutions, and in housing.

Although women have the same legal status as men, they experienced discrimination in employment, in access to economic resources, as well as discrimination in the workplace.

## **Systemic Racial or Ethnic Violence and Discrimination**

Governmental and societal discrimination against Roma persisted. According to leaders of the Romani communities, security and law enforcement agencies continued arbitrarily to detain, investigate, profile, and harass Roma, including by forcing fingerprinting, mistreating them in detention, and subjecting them to ethnic insults.

Official and societal discrimination continued against the country's 6,848 (according to the 2019 census) to 60,000 (according to Romani community estimates) Romani population. The Romani community continued to experience marginalization, various forms of discrimination, high unemployment, low levels of education, and lack of access to social services. Roma generally held citizenship, but many lacked official identity documents and refused to obtain them.

Authorities harassed and jailed members of the independent and unregistered Union of Poles of Belarus and some of its members (see section 2.b., Freedom of Association).

## **Children**

**Birth Registration:** Citizenship is derived either by birth within the country or from one's parents. A child of a citizen is a citizen regardless of place of birth, even if one parent is not a citizen. Births were generally registered immediately.

**Child Abuse:** The law stipulates minors' rights to education, health care, personal



integrity, and protection from exploitation and violence, among others. The law provides for the inviolability of the child's person and protects the child from all types of exploitation, including sexual, physical, and psychological abuse; cruel or abusive treatment, humiliation, and sexual harassment (including by parents, guardians, caregivers, and relatives); involvement in criminal activities; use of alcoholic beverages; use of drugs, toxic or other intoxicating substances, and tobacco products; and coercion into prostitution, begging, vagrancy, participation in gambling, actions related to child pornography, and work that may harm physical, mental, or moral development.

Conviction of rape or sexual assault of a person known to be a minor is punishable by up to 15 years' imprisonment. Conviction of a person older than 18 for engaging in sexual acts with a person known to be younger than 16 is punishable by up to 10 years' imprisonment.

According to local human rights groups, domestic violence and abuse against children were common, and anecdotal evidence suggested that many parents admitted beating their children. Authorities identified families in vulnerable conditions and generally intervened to prevent child abuse linked to domestic violence, providing foster care to children who could not remain with their immediate families while preventive work was underway. Although the government continued to prosecute child abusers, its efforts to address the causes of child abuse were inadequate, and it lacked effective capabilities to detect violence and refer victims for proper assistance in a timely manner.

The government instituted a comprehensive national plan for 2017-21 to improve child care and the protection of children's rights, including for victims of child abuse, domestic violence, and commercial sexual exploitation, but it acknowledged its inefficiency in executing certain protective measures absent assistance from international organizations and NGOs. For example, in one case authorities in the Hrodna region charged both foster parents with beating, abusing, torturing, and depriving their foster children of freedoms from 2016 through 2021. Authorities recognized eight children as victims in the case, including a minor who was 10 months old at the time and was physically abused. Local prosecutors claimed that authorities took disciplinary action against seven local officials in charge of monitoring foster families and living conditions.

With assistance from NGOs that promote children's rights, authorities employed procedures for on-the-record, one-time interviewing of child-abuse victims in the framework of investigations or criminal cases at specialized facilities under the direct supervision of psychologists. Courts often used recorded testimony to avoid repeatedly summoning child-abuse victims for hearings, but experts continued to raise concerns that in some cases, judges summoned victims to testify at hearings. More-experienced judges with expertise in developmental psychology, psychiatry, and education generally heard cases that affected the rights and interests of minors.

As of January 2020 the Ministry of Education ran 138 social-educational centers nationwide for minor victims of any type of violence or minors in vulnerable and dangerous conditions, but independent observers questioned the quality of services. General health-care institutions provided a wide range of medical aid to child abuse victims free of charge.

**Child, Early, and Forced Marriage:** The legal minimum age of marriage for both boys and girls is 18, although girls as young as 14 may marry with parental consent. There were reports of early marriages in which girls as young as 14 and boys as young as 16 married with parental consent.

**Sexual Exploitation of Children:** The minimum age for consensual sex is 16. Sex trafficking of children was a problem, and authorities took some steps to address it. From January through September, authorities identified 540 minors as victims of child sexual abuse, up from 354 in the same period in 2020. The law provides penalties of up to 13 years in prison for producing or distributing pornographic materials depicting a minor. Authorities generally enforced the law. Authorities claimed the law does not require a demonstration of force, fraud, or coercion to constitute a child sex-trafficking offense and claimed to have identified 91 minors who were trafficking or trafficking-related victims used for commercial sexual exploitation. Authorities considered child pornography and cyber-related methods such as sexting, grooming, and sextortion to be serious problems and in January 2020 adopted a separate 2020-22 plan of action to protect minors from sexual abuse and exploitation. There were no reports on the implementation of the plan as of December 2020.

In April the Internal Affairs Ministry reported that on February 16, it identified and

arrested a 37-year-old foreigner who had legally resided in the country since 2017 and had engaged girls between ages five and 13 in producing pornographic materials. Four mothers of the children were arrested for providing their children for filming and commercial sexual exploitation. Police also stated one of the victims was removed from the family and taken into the government custody, while the others remained in the custody of their fathers.

**Institutionalized Children:** There was no system for monitoring child abuse in orphanages or other specialized institutions. Authorities did not report any child-abuse incidents in institutions. There were allegations of abuse in foster families; the government opened or continued investigations into some of these cases.

According to a 2018 UNICEF study, more than two in five children at residential care institutions were exposed to either physical or psychological violence. Approximately one in four children participating in the survey reported exposure to physical violence at institutions. The children living in institutions appeared significantly more vulnerable compared with children living in families, and they had two to three times more exposure to violence than children from secondary schools. Children from special closed-type educational institutions and penitentiary institutions reported greater exposure to violence both at home and in the institutions.

As of January 1, there were nine institutions for children with disabilities that held at least 1,300 minors. Institutions provided basic medical and social care to their clients. Although experts assessed the services as being of better quality than at adult institutions, these institutions had problems with proper diagnostics, education, and social reintegration as well as public accountability and transparency.

**International Child Abductions:** The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

The Jewish community estimated that between 30,000 and 40,000 Jews lived in the country.

There were isolated reports of vandalism against the Jewish community. On March 4, unknown persons vandalized the synagogue and Jewish community center in Homyel by spray painting a swastika and other Nazi symbols on the exterior walls. Police launched an investigation into the vandalism, but no perpetrators were identified.

On July 6, Lukashenka stated in public remarks that, regarding the need to investigate and raise awareness of Nazi war crimes against the Belarusian people, the country should follow the example of “the Jews,” who got “the whole world to bow before them” and “be afraid to point a finger at them.”

Many memorials to victims of the Holocaust, built in Soviet times as well as more recently, did not distinguish Jewish victims from other victims of Nazi atrocities. The Jewish community continued to work with foreign donors and local authorities to erect monuments to commemorate Jewish victims specifically.

Holocaust distortion occurred. For example, members of both the regime and opposition sought to draw parallels to the Holocaust by suggesting or asserting the political situation was in some way comparable.

## **Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Persons with Disabilities**

Persons with disabilities could generally access social services, health services, public buildings, and transportation on an equal basis with others. The government, however, did not enforce such access effectively and failed to provide information and communication effectively and in accessible formats.

The law discriminates against children and persons with disabilities, limiting their

ability to access primary, secondary, and higher education depending on their degree of disability. A person's degree of disability was determined by a commission of experts whose assessments were nonbinding but in practice were arbitrary applied. For example, advocates cited cases of children with Down syndrome who were required to submit to reassessments of their "mental abilities" at predetermined ages and, following such assessments, were in some cases not allowed to continue their education in "integrated" classes. Children with disabilities attended school but completed secondary education at a significantly lower rate than other children and generally attended specialized schools meant only for children with disabilities.

Women's shelters reported violence, harassment, intimidation, and abuses against women with disabilities, often by family members.

Opportunities for employment and occupational development remained limited for persons with disabilities. While authorities operated some enterprises that accommodated persons with certain disabilities, such as those with hearing or vision disabilities, many persons with disabilities opted to maintain their welfare benefits, since salaries in jobs available to them were low or they had to undergo additional examinations to be approved for employment.

The law mandates that transport, residences, and businesses be accessible to persons with disabilities, but few public areas were wheelchair accessible or accessible for persons with hearing and vision disabilities. The National Association of Disabled Wheelchair Users estimated that more than 90 percent of persons with physical disabilities were unable to leave their places of residence without assistance and stated their residences were not suitable to accommodate persons with physical disabilities. While authorities claimed that 30 percent of the country's total infrastructure was accessible, disability rights organizations considered this figure inflated, although the situation continued to improve during the year. NGOs reported that the government was growing increasingly aware of these problems, but progress was slow.

Public transportation was free to persons with disabilities, but the majority of subway stations in Minsk as well as the bus system were not accessible to wheelchair users. In 2017, the most recent year for which information was

available, experts of the NGO ACT released a monitoring report indicating that 3.3 percent of all educational institutions countrywide were accessible to persons with disabilities, including with vision and hearing disabilities, and most of these facilities were recently constructed.

Persons with disabilities, especially those with vision and hearing disabilities, often encountered problems with access to courts and obtaining court interpreters.

Women with disabilities often faced discrimination, including employment discrimination, and claimed they were unable to care for their children and received worse medical services and care compared to the general population, especially in provincial medical institutions. Women with disabilities, as well as pregnant women whose children were diagnosed with potential disabilities in utero, reported that some doctors insisted they terminate their pregnancies. Pregnant women with disabilities faced accessibility barriers at maternity clinics and hospitals.

The law does not specifically prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities, and discrimination was common.

The country's lack of independent living opportunities left many persons with disabilities no choice but to live in state-run institutions. Disability rights organizations reported that the quality of care in these facilities was low and that since the start of the COVID-19 pandemic, access to these institutions by families and volunteers remained limited. Instances of harassment and mistreatment were reported, such as cases of physical and psychological abuse, lack of medical care for other nondisability-related conditions, and underfunded facilities and infrastructure. Authorities continued the practice of placing persons with physical and mental disabilities in the same facilities and did not provide either group with specialized care. Approximately 14,000 persons with disabilities who lived in "psychoneurological" institutions were deprived of legal rights, and courts designated directors of these institutions as their legal guardians.

On August 3, authorities forced the closure of the NGO Office for the Rights of Persons with Disabilities and previously arrested two of the organization's leaders, Siarhei Drazdouski and lawyer Aleh Hrabieuski, limiting civil society efforts to

engage the government on improving the rights of persons with disabilities (see sections 2.b. and 5). Authorities did not make unilateral efforts to improve the rights of persons with disabilities during the year. On September 1, a district court in Homyel held a closed trial in which it sentenced hard-of-hearing Dzmitry Zalomski to two years in prison for allegedly insulting an official and threatening a judge in online commentary and messenger chats. According to human rights defenders, police did not detain Zalomski until after his court hearing, but they confiscated his hearing aid upon arrest.

## **HIV and AIDS Social Stigma**

Societal discrimination against persons with HIV or AIDS remained a problem, and the illness carried a heavy social stigma. According to local NGOs working with HIV-positive and AIDS patients and other groups at risk, HIV-infected individuals, especially drug users undergoing or having completed treatment, continued to face discrimination, especially at workplaces and during job interviews. For example, based on doctors' clinical reports, schools reportedly refused to employ HIV-positive individuals, even when they were applying for jobs that did not involve contact with children. On July 22, the NGO BelNetwork Anti-AIDS was shut down by the Minsk City Executive Committee, despite authorities having worked alongside the NGO in the past to implement anti-AIDS discrimination programs. In one May 2020 case, an individual was barred from a building maintenance job under Ministry of Health instructions that restricted HIV-positive individuals from working with children.

The government continued to broadcast and post public-service advertisements raising awareness concerning HIV and AIDS and calling for greater tolerance toward persons infected with the virus.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

LGBTQI+ persons experienced harassment, threats, and violence at the hands of authorities, according to numerous reports from human rights defenders.

In some instances, when police identified detained individuals as LGBTQI+

persons, they forced these individuals to confess to committing crimes and to state their sexual orientation on camera, later posting the recording online. Independent observers questioned the legality of these videos and noted that authorities may have abused the persons to force them into making the statements. There were no reports authorities took action to investigate those complicit in violence and abuses against LGBTQI+ persons.

The government allowed transgender persons to update their name and gender marker on national identification documents, but these documents retained old identification numbers that include a digit indicating the individual's sex assigned at birth. Transgender persons reportedly were refused jobs when potential employers noted the "discrepancy" between an applicant's appearance and the gender marker in the identification number. Banks also refused to open accounts for transgender persons on the same grounds. Transgender men were issued military identification that indicated they had "a severe mental illness." There are no laws prohibiting discrimination by state and nonstate actors against LGBTQI+ persons, including with respect to providing essential goods and services such as housing, employment, and access to government services.

LGBTQI+ discrimination was widespread, and harassment occurred. The law does not provide antidiscrimination protections to LGBTQI+ individuals based on their sexual orientation, gender identity or expression, or sex characteristics. Societal discrimination against LGBTQI+ activists persisted with the tacit support of the government, which either failed to investigate crimes or did so without recognizing it as a hate crime. LGBTQI+ activists were among those who went into exile after facing harassment and risk of arrest from the regime.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

Although the law provides for the rights of workers, except state security and military personnel, to form and join independent unions and to strike, it places serious restrictions on the exercise of these rights. The law provides for the right to organize and bargain collectively but does not protect against antiunion discrimination. Workers who say they are fired for union activity have no explicit



right to reinstatement or to challenge their dismissal in court, according to trade union activists.

The government did not enforce the law, in part because the government and state enterprises did not respect the legal right of freedom of association. The law provides for civil penalties against employers in the form of fines for violations of the freedom of association or collective bargaining. Fines against employers were not commensurate with penalties for other crimes related to civil rights. The government severely restricted independent unions. The Belarusian Congress of Democratic Trade Unions (BKDP), with four constituent trade unions, made up of approximately 10,000 workers, was the largest union umbrella organization not affiliated with the government. The BKDP, however, did not represent the majority of workers at any of the country's largest state employers. Tight government control over registration requirements and public demonstrations made it difficult for the BKDP to organize or conduct strikes.

The government did not respect collective bargaining. Prohibitive registration requirements, mandating that any new union unaffiliated with the government have a large membership and cooperation from state employers, continued to present significant obstacles to independent union formation. Trade unions may be deleted from the register by a decision of the registrar, without any court procedure. The registrar may remove a trade union from the register if, following the issuance of a written warning to the trade union that it is violating legislation or its own statutes, the violations are not corrected within one month. Authorities continued to resist attempts by workers to leave official unions and join independent unions.

Government restrictions on freedom of association made it difficult for independent trade unions to participate in collective bargaining. Authorities require a single labor union position ahead of bargaining, which at state enterprises where the BKDP is present requires both labor organizations to collaborate in collective bargaining. Labor activists reported, however, that this benefited the BKDP because agreements negotiated with the participation of independent unions were more favorable to workers than those agreements solely negotiated by the government-controlled Federation of Trade Unions of Belarus, the largest union federation, which claimed more than four million members.

The requirements to conduct a legal strike are high. For example, strikes may only

be held three or more months after dispute resolution between the union and employer fails. The duration of the strike must be specified in advance. In addition a minimum number of workers must continue to work during the strike. Nevertheless, these requirements were largely irrelevant, since the unions that represented almost all workers remained under government control. Government authorities and managers of state-owned enterprises routinely interfered with union activities and hindered workers' efforts to bargain collectively, in some instances arbitrarily suspending collective bargaining agreements. Management and local authorities blocked workers' attempts to organize strikes on many occasions by declaring them illegal.

Some union members who participated in political protests, which authorities generally considered unauthorized mass events, were detained, and a smaller percentage of politically active workers lost their jobs. Despite government pressure, after the 2020 election, some workers protested and attempted to organize strikes, but a majority of workers did not because of the extreme pressure authorities put on them and potential strike leaders. Government pressure included making examples of strike leaders by jailing them, subjecting them to physical violence, firing them, detaining or fining workers who discussed conducting strikes, refusing to renew employment contracts of workers involved in strikes, and applying psychological pressure by threatening workers with the removal of parental rights over their children and stressing the impact lost wages would have on their children and families. The inability to convince a majority of workers to hold a general strike led significant minorities of workers at large state-owned factories to conduct work-to-rule action as a sign of protest.

Workers encountered politically related pressure, including for attempting to exercise their freedoms of speech, assembly, and association or expressing their political opinions. Authorities detained more than 16 factory workers on September 22-23, most of whom had joined strike groups at their workplaces, including at the Hrodna-based Azot factory, Zhlobin-based Belarusian Steel Works, and Minsk-based Belarus Railroads. Authorities alleged that pro-opposition workers were "scoundrels" who spied for the West and passed information on how Minsk planned to bypass Western sanctions. Six workers were released after searches and interrogations, and two Belarus Railroads

employees were sentenced to 15 days' detention. The human rights group Vyasna reported that police moved seven individuals to the KGB pretrial holding facility on purported charges of "treason." On September 21, security officers searched the offices and residence of Naftan oil refinery independent trade union leader Volha Brytsikava, who was interrogated and released. Two other union activists received up to 15 days of detention for allegedly propagating calls for extremist activity.

The law on mass events also seriously limited demonstrations, rallies, and other public action, constraining the right of unions to organize. No foreign assistance may be offered to trade unions for holding seminars, meetings, strikes, pickets, etc., or for "propaganda activities" aimed at their own members, without authorities' permission.

Government efforts to suppress independent unions included frequent refusals to extend employment contracts for members of unions unaffiliated with the government and refusals to register independent unions. According to the BKDP, the only registration of a nongovernment union since 1999 occurred in 2019 when authorities approved the third registration application of a branch of the independent trade union of miners; chemical, oil refinery, energy, transport, construction industries; and other workers in Salihorsk. The registration followed the restructuring of the state-owned potash fertilizer producer Belaruskali, which established a number of separate subsidiaries, and workers wanted to keep their membership in the BKDP's labor unions. Authorities attempted to pressure or fire workers who were deemed protest or strike leaders, or became involved in opposition political activities, which hindered this union's ability to conduct regular union activities and disrupted workers' rights to strike and express freely their political opinions.

On June 30, the government amended labor law, making it easier to fire workers who had participated in a strike or had been arrested, for example for participating in protests. The amendment also allows unions to be punished if any of their members participate in a public demonstration that did not receive prior approval from government authorities.

Workers at state-owned enterprises were fired, arrested, and in some cases

criminally prosecuted for participating in strikes. For example, after workers at the Belarus Metallurgical Plant attempted to strike in August 2020, four workers were detained and in February sentenced to more than two years in prison for the “organization of actions in gross violation of public order.” The conviction was upheld when appealed in March.

On February 16, authorities searched offices and residences of four Radio and Electronics Trade Union leaders on charges of group activities that grossly violated public order, and confiscated computer equipment.

The BKDP-affiliated Radio and Electronics Trade Union chairman Genadz Fedynich and chief accountant Ihar Komlik were released from house arrest in December 2020 and January, respectively, following their 2018 conviction for evading taxes and sentencing to four years of house arrest. The court also banned the trade unionists from holding any administrative positions for five years.

Most contracts at state enterprises are one-year contracts. State employees, who constituted approximately 70 percent of the workforce, may have contracts with terms of up to five years, but most contracts expire after one year. The BKDP and NGOs alleged this practice gave the government, through state employers, the ability to fire state employees by declining to renew their contracts. Some state employees (including medical professionals) who protested the government’s COVID-19 response or participated in protests against the government’s handling of the election reportedly were not rehired. Members of nongovernment-affiliated unions, political parties, and civil society groups lost their jobs due to their one-year contracts lapsing. A government edict provides the possibility for employers to sign open-ended work contracts with an employee only after five years of good conduct and performance by the employee. Longer contracts, however, reportedly also restrict the ability of employees to leave for other jobs. Workers are generally protected during the terms of their contracts.

Opposition political party members and democratic activists sometimes had difficulty finding work at state-affiliated employers due to government pressure on these employers.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, with the exception of court rulings that may require work or services as part of a sentence, and which may include penal labor.

Parents who have had their parental rights stripped and are unemployed or are working but fail to compensate state child-care facilities for the maintenance of their children, may be subject to forced employment by court order. Individuals who refuse forced employment may be held criminally liable and face community service or corrective labor for a period of up to two years, imprisonment for up to three years, or other freedom restrictions, all involving compulsory labor and garnishment of 70 percent of their wages to compensate for expenses incurred by the government.

Minsk authorities required officially registered unemployed individuals to perform paid community service one day a month. Individuals who performed fewer than 12 working days of paid community service during a year were prohibited from receiving some unemployment benefits. Individuals with disabilities, single parents, and parents of three or more children as well as parents of children with disabilities and younger than 18 were exempt.

The government did not effectively enforce the law. Regulations against forced labor were seldom enforced, and resources and inspections dedicated to preventing forced and compulsory labor were minimal. Penalties for violations were commensurate with those of other serious crimes.

The country largely served as a source country for labor trafficking. Aside from border restrictions enacted during the COVID-19 pandemic, Belarusians were able to freely travel to and work in Russia, reportedly the largest destination country. Compared to NGOs, the government rarely identified victims of labor trafficking, and prosecution of those responsible for forced labor remained minimal. NGOs in 2020 identified 26 labor trafficking victims, compared with the government's identification of two. Authorities reportedly did not recognize claims by Belarusians who returned from Russia and complained they had endured forced labor there. Government efforts to prevent and eliminate labor trafficking did not

improve during the year.

There were no reported examples of government reprisals identified against individuals who abstained from community work activities (commonly called *subbotniks*) during the year.

Former inmates stated their monthly wages were as low as three to four rubles (\$1.50 to \$2.00). Senior officials with the General Prosecutor's Office and the Internal Affairs Ministry stated in 2015 that at least 97 percent of all work-capable inmates worked in prison as required by law, excluding retirees and persons with disabilities, and that labor in prison was important and useful for rehabilitation and reintegration of inmates.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits all of the worst forms of child labor. The minimum age for employment is 16. Children as young as 14 may conclude a labor contract with the written consent of one parent or a legal guardian. The Prosecutor General's Office is responsible for enforcement of the law. Persons younger than 18 are allowed to work in nonhazardous jobs but are not allowed to work overtime, on weekends, or on government holidays. Work may not be harmful to children's health or hinder their education.

The government generally enforced these laws, and penalties for violations were commensurate with those of other serious crimes.

### **d. Discrimination with Respect to Employment and Occupation**

There is no penalty for discrimination in general. The law prohibits employer discrimination only when employers refuse to hire a person who was referred by the government's Labor, Employment, and Social Welfare Agency as part of a quota system. In these cases the government may charge the employer with a civil penalty if the discrimination was on the basis of the person's race, age, gender, language, political or religious beliefs, membership in a trade union, social status,

or place of residence. The government did not effectively enforce the law, and penalties were not commensurate with those of other violations related to civil rights.

Discrimination in employment and occupation occurred with respect to political preferences, ethnicity, gender, disability, language, sexual orientation and gender identity and expression, and HIV-positive status (see section 6, HIV and AIDS Social Stigma). In addition some members of the Romani community complained that employers often discriminated against them and either refused to employ them or did not provide full-time jobs. The government did not take any action during the year to prevent or eliminate employment discrimination. Employment discrimination happened across most economic sectors and in both private and public workplaces.

The law requiring equal pay for equal work was not regularly enforced, and in December 2020 the country's National Statistics Committee reported that average salaries for women were 26.7 percent less than salaries for men.

The government maintained a list of 181 “physically demanding” jobs “in hazardous or dangerous conditions” that women are not permitted to occupy. Women are also not permitted to work in all the same employment sectors as men. Very few women were in the upper ranks of management or government, and most women were concentrated in the lower-paid public sector. There are no laws that prohibit sexual harassment in the workplace, and without criminal or civil remedies to sexual harassment in the workplace, it remained a significant problem. There is no legal prohibition against gender-based discrimination in access to credit. Although the law grants women the right to three years of maternity leave with assurance of a job upon return, employers often circumvented employment protections by using short-term contracts, then refusing to renew a woman's contract when she became pregnant.

A government prohibition against workdays longer than seven hours for persons with disabilities reportedly made companies reluctant to hire them. Local NGOs reported that up to 85 percent of persons with disabilities were unemployed. Authorities provided minimal welfare benefits for persons with disabilities. Pension calculations should consider disability status under the law; however,

authorities were not always willing to provide higher pensions warranted by disability status. Members of the country's Paralympic teams received half the salaries and prize money of athletes without disabilities.

#### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** As of October 1, the national minimum monthly wage exceeded the poverty line.

The law establishes a standard workweek of 40 hours and provides for at least one 24-hour rest period per week. The law provides for mandatory overtime and nine days of holiday pay and restricts overtime to 10 hours a week, with a maximum of 180 hours of overtime each year.

The State Labor Inspection Department at the Labor and Social Welfare Ministry was responsible for the enforcement of wage and overtime laws. Authorities effectively enforced minimum wage and overtime laws, and penalties for violations were commensurate with those for other similar crimes. In June 2020 Labor and Social Protection Minister Iryna Kastevich noted that the ministry was monitoring companies and organizations for compliance with employee dismissal regulations during COVID-19. Kastevich reported the volume of total working hours fell following the start of the pandemic, as employers attempted to keep workers employed by shortening working hours or placing persons on leave. Government COVID-19 support reportedly largely went to state enterprises, which received financial support such as loans, rather than to workers or the private sector.

**Occupational Safety and Health:** The law establishes minimum conditions for workplace safety and worker health, but employers did not always follow the standards or require workers to wear minimal safety gear.

The State Labor Inspection Department at the Labor and Social Welfare Ministry is responsible for workplace safety and worker health. The state labor inspectorate lacked authority to enforce employer compliance and often ignored violations. Although inspectors could make unannounced inspections and initiate sanctions, the number of inspectors was insufficient to enforce compliance.



The law provides workers the right to remove themselves from situations that endanger health or safety without jeopardizing their employment. According to the State Labor Inspection Department of the Labor and Social Welfare Ministry, employees have the right to refuse to perform work if they are not provided with personal protective equipment that directly ensures labor safety. The list of required personal protective equipment was approved by the ministry. In order to refuse to perform assigned work due to a lack of equipment, an employee must inform the employer or an authorized official of the reasons for refusal in writing.

According to the most recent data available, authorities reported 2,042 workplace injuries and 141 deaths in 2019, compared with 2,115 injuries and 144 deaths in 2018.

The same inspectors who have authority over wage and working hour laws are also responsible for enforcing occupational safety and health laws. The State Labor Inspection Department maintained labor hotlines for each region and also provided separate contact details for matters associated with labor inspections, labor protection, and labor violations. The department also maintained a hotline for problems involving the illegal dismissal of workers. The government did not effectively enforce occupational safety and health laws. Penalties for violations were not commensurate with those for other similar crimes.

**Informal Sector:** Independent experts reported the informal economy constituted up to 30 percent of the total economy, which had a workforce of 4.3 million persons. Labor law does not cover informal workers.